

Mr. NEELY assumed the Chair as Speaker pro tempore. The SPEAKER pro tempore. The gentleman from West Virginia [Mr. LITTLEPAGE] is recognized.

Mr. LITTLEPAGE. Mr. Speaker, I should feel remiss in the discharge of my public duty if I neglected to add my testimony as a Member of this body from the State of West Virginia to the high character, worth, and nobility of purpose of one of our distinguished Members who has died, whose spirit has taken its flight across the mystic river of time to return no more. I have myself just gotten out of a hospital, and what I shall say will be extemporaneous.

For a young man to start in life with all of its vicissitudes, all its snares and pitfalls, and so conduct himself in the community where he was born and reared as to command the unbounded confidence and respect of the citizens of that community to the extent that they pick him up and elevate him to positions of trust and responsibility, as was the case with our departed brother, Mr. Moss, must add to our faith in the value of having lived. His is an example that is worthy of the emulation of the young men of the land and of public men throughout the Nation and the world. That he did well, that he was kind and noble, strong and aggressive is testified to by the people of his State. That he was above all things honest and reliable must be a comfort to his people as it is a reward to his acquaintances. For him to have struggled along the highway of life, you might say, unaided by the power of wealth or political influence, and to have attained that high position of respectability and of trust is a reward to us who cherish his memory and must be a comfort to his people.

I sincerely appreciate as a citizen of the Commonwealth of West Virginia the splendid tributes which have been paid to the memory of HUNTER MOSS, who has traveled all the way from the position of prosecuting attorney, circuit judge, and finally rose in life to the second position below the Presidency of the United States—that of membership in the American Congress, which must be a comfort to those who love and revere his memory.

I should feel remiss also if I did not take this occasion to say a word relative to the immediate members of his family, who, when they saw his life ebbing away, were so kind, so thoughtful, so noble, and so true in their devotion to him who has gone, but whose memory will ever be worthy of their thought and affection.

He stood high in this House among both Democrats and Republicans. He was an independent man and an independent thinker. I saw him arise from his seat on the other side of the aisle when his own party was practically unanimous in its vote against the ship purchasing bill. I heard his utterances; and while he was faithful to his political organization, and while he loved it well, he loved his own people and his State more. His State needed the benefit to be derived from a bill of that character. It is a coal-producing State, and it needs all the ships that can be obtained to carry its products to other climes. I want to say in this presence that he stood up here in this House and voted and spoke for his State, for its business men, and its people. He was true to them as he was honest here.

The people of his State have suffered a heavy loss, this Nation one of its best friends, this House one of its most beloved Members.

#### ADJOURNMENT.

The SPEAKER pro tempore [Mr. LITTLEPAGE]. In accordance with the resolution heretofore adopted, the House stands adjourned.

Accordingly (at 1 o'clock and 43 minutes p. m.), the House adjourned until Monday, January 29, 1917, at 12 o'clock, noon.

#### SENATE.

MONDAY, January 29, 1917.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee in supplication and prayer, with praise and thanksgiving, because whatever merit there is in us has come from Thee, for in Thee we live and move and have our being. Our fathers have built for us a great Nation under the guidance of God, and we seek to perpetuate its glorious ministry to the world by the grace of God. We desire to fulfill ourselves in Thee by finding our highest place in our citizenship and in the world under the guidance and by the grace of God, that we may inherit the blessings of God here and life eternal in the world to come. Guide us this day in the discharge of our duties. We pray in Jesus' name. Amen.

On request of Mr. BRANDEGEE, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with, and the Journal was approved.

#### SENATOR FROM NEW YORK.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of WILLIAM M. CALDER, chosen by the qualified electors of the State of New York a Senator from that State, which will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

STATE OF NEW YORK,  
EXECUTIVE CHAMBER.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, WILLIAM M. CALDER was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917.

Witness his excellency our governor, Charles S. Whitman, and our seal hereto affixed at Albany, this 11th day of January, in the year of our Lord 1917.

[SEAL.]

By the governor:

CHARLES S. WHITMAN, Governor.

FRANCIS M. HUGO,  
Secretary of State.

DISPOSITION OF USELESS PAPERS (H. DOC. NO. 1996).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Labor, transmitting a list of papers which have accumulated in the Department of Labor and which are of no further use in the transaction of official business. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints as the committee on the part of the Senate the Senator from New Jersey [Mr. MARTINE] and the Senator from Washington [Mr. JONES]. The Secretary will notify the House of Representatives thereof.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed, on January 27, 1917, the following acts:

S. 7536. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa.; and

S. 7538. An act authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in Glade and Kinzua Townships, Warren County, Pa.

#### LEAGUE TO ENFORCE PEACE.

Mr. BRANDEGEE. Mr. President, I send to the desk and ask that the Secretary may read a letter received by me—and I suppose other Senators have received a similar letter—from the League to Enforce Peace. I ask that after it has been read the proposals of the League to Enforce Peace may be printed. I send that to the desk also.

I do this because there is so much discussion as to what the league recommends and what its organization advocates that I think it is of some importance it should be recorded permanently.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[League to Enforce Peace. Formed in Independence Hall, Philadelphia, June 17, 1915. William Howard Taft, president; Alton B. Parker, vice president; Herbert S. Houston, treasurer; William H. Short, secretary; Horace R. Baker, assistant secretary-treasurer; Charles C. Michener, director field work; Charles Millington, press secretary; Charles F. Carter, editorial secretary; Lybrand, Ross Bros. & Montgomery, certified public accountants, auditors. Executive committee: A. Lawrence Lowell, chairman; Charles H. Brough, John Bates Clark, Charles Stewart Davison, Henry S. Drinker, Samuel J. Elder, Edward A. Filene, John B. Finley, Glenn Frank, Edward W. Frost, Wilfred W. Fry, Philip H. Gadsden, John Hays Hammond, John Grier Hibben, Hamilton Holt, Herbert S. Houston, Harold J. Howland, Darwin P. Kingsley, Frederick Lynch, Theodore Marburg, Anson Mills, Arthur E. Morgan, Le Verne W. Noyes, Le Roy Percy, Leo S. Rowe, William L. Saunders, Finley J. Shepard, William H. Short, Bolton Smith, Oscar S. Strauss, Frank S. Streeter, Thomas Taggart, William H. Wadhams, Charles S. Ward, Thomas Raeburn White, Talcott Williams; William Howard Taft, ex officio; Alton B. Parker, ex officio. Phone, Chelsea 2624. Address all communications to the League to Enforce Peace, 70 Fifth Avenue, New York.]

JANUARY 15, 1917.

HON. FRANK B. BRANDEGEE,

1521 K Street, Washington, D. C.

MY DEAR SIR: The program of the League to Enforce Peace has been brought into such international prominence by the President's note of December 18 to the belligerent powers, by the reply of the entente nations thereto under date of January 10, and by various official statements of the German chancellor that we think it probable you may wish to have at hand authoritative information regarding it.

With this letter you will find a brief résumé of what the league does and does not stand for, together with its printed proposals. Under separate cover we are sending a book entitled "Enforced Peace,"



and within a few days a bound volume entitled "Program and Policies" will follow. We ask you to accept these with the compliments of our executive committee and officers.

Very truly, yours,

WM. H. SHORT, *Secretary.*

(The League to Enforce Peace does not seek to end the present war; it proposes the formation of a league of nations after its close to maintain peace by their united economic and military power.)

Mr. BRANDEGEE. I should like to have the Secretary read the proposals, which are not lengthy at all.

Mr. HITCHCOCK. Mr. President, I should like to inquire of the Senator if he is taking the position that the President's address specifically indorses this organization and its program?

Mr. BRANDEGEE. No; I did not take any position at all, and I do not do this at all with reference to the address the President made to the Senate.

Mr. HITCHCOCK. I was not sure that I was correct, but I thought the letter which the Senator asked to have read indicated an assumption that the President has specifically indorsed that program and that organization.

Mr. BRANDEGEE. No. The Senator, I am quite sure, did not catch the phrases of the letter correctly. What it stated was that in view of the President's note to the foreign powers of December 18, and in view of the answers of those powers, they thought it was important that it should be known exactly what the League to Enforce Peace stood for. There is no reference at all to the President's address which was made a week or so ago.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

#### WHAT THE LEAGUE TO ENFORCE PEACE STANDS FOR.

##### THE LEAGUE

Proposes the submission of all disputes between nations to public hearing before declaration of war.

Proposes the setting up of international tribunals:

A judicial court, to hear questions which can be decided in accordance with the rules of law and equity.

A council of conciliation, to hear all other questions, whether political in nature or growing out of the necessities of trade, expansions of population, or other causes.

Proposes a series of conferences between the nations at regular intervals.

Proposes that the United States shall become a member of a league of nations pledged to compose their differences by use of these methods and agencies.

##### THE LEAGUE

Does not propose enforcement of the award of either court or council, but instead dependence on delay, public discussion, and the justice of the award to insure its acceptance.

Does not propose a guaranty of the status quo, but instead provision for a peaceful way to change unjust conditions, however arising.

Does not propose or prohibit interference with insurrections, revolutions, or conditions of domestic violence.

Does not propose organization of one group of nations for protection against a second group, i. e., "an entangling alliance."

##### MAKING THE PLAN EFFECTIVE.

If one member nation should threaten war against another before submission of its quarrel to a hearing as provided, the plan requires all the others to join in diplomatic and economic pressure to force it to desist.

If, after their joint protest, such nation should actually proceed to war, the other nations, with their joint military forces, would come to the defense of the one attacked. This is the only cause for which the federated nations would agree to employ their joint forces.

It is expected that this program would lead to a reduction of armaments.

##### THE PROGRAM SUMMARIZED.

It embodies the principles of existing arbitration treaties, under which the United States has agreed, with more than 30 nations, to submit all questions, even including those affecting the Monroe doctrine, for investigation and report by international commissions.

It provides for holding, from time to time, of international conferences similar to those that took place at The Hague in 1899 and 1907, for agreeing upon rules of international law to govern in the decisions of the international tribunal.

It adds an agreement to enforce the pledge to submit all questions to public hearing and to await the award of the court or the council of conciliation before appealing to arms. This feature constitutes the distinctive mark of the program.

It is not a stop-the-war effort, but advocates the establishment of a league of nations by treaties ratified at the close of the present war.

##### PROPOSALS.

The following platform was adopted at the organization meeting held in Independence Hall, Philadelphia, June 17, 1915:

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

First. All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second. All other questions arising between the signatories and not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration, and recommendation.

Third. The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing. (The following interpretation of article 3 has been authorized by the executive committee: "The signatory powers shall jointly employ diplomatic and economic pressure against any one of their number that threatens war against a fellow signatory without having first sub-

mitted its dispute for international inquiry, conciliation, arbitration, or judicial hearing, and awaited a conclusion, or without having in good faith offered so to submit it. They shall follow this forthwith by the joint use of their military forces against that nation if it actually goes to war or commits acts of hostility, against another of the signatories before any question arising shall be dealt with as provided in the foregoing.")

Fourth. Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the judicial tribunal mentioned in article 1.

Published by the League to Enforce Peace, 70 Fifth Avenue, New York.

WM. H. TAFT, *President.*

Mr. BRANDEGEE subsequently said: Mr. President, I have just received a telegram, which I send to the desk and ask to have read. I should like to have it go in the RECORD at the point where I inserted the principles of the League to Enforce Peace, as it is from the Connecticut branch of that league.

The VICE PRESIDENT. Without objection, the telegram will be read.

The Secretary read the telegram, as follows:

WATERTOWN, CONN., January 28, 1917.

HOB. FRANK BRANDEGEE,

*United States Senate, Washington, D. C.:*

We, the officers of the Connecticut branch of the League to Enforce Peace, earnestly protest against any action at present by the Senate upon the President's peace message which shall commit the United States to a stand against the eventual participation by our Government in a league to enforce peace. The question is too momentous for action by the Senate till the opportunity has been given for wider popular discussion. The league has always emphatically declared that it does not propose any action in connection with the present war or the treaty that shall end it. Consequently there is ample time for thorough discussion and no valid reason for an attempt to commit this Government till such discussion has been held in a matter of such vast possibilities. Haste and partisanship are alike deplorable.

Wm. A. Shankin, Middletown, president; Chauncey S. Brewster, Hartford, Charles F. Brooker, Ansonia, Marcus H. Holcomb, Southington, Irving Fisher, New Haven, Frank B. Weeks, Middletown, Theodore S. Woolsey, New Haven, vice presidents; Arthur R. Kimball, Waterbury, chairman of the executive committee; Wilson H. Lee, New Haven, treasurer; Horace D. Taft, Watertown, secretary.

Mr. SMITH of Michigan. Mr. President, I notice that the principles enunciated in that communication seek for support in the treaties of arbitration which have been made between this Government and a number of foreign States by the present administration; but, as I recall the treaties to which these articles refer, there are no cases where the United States agrees to submit to arbitration questions of vital interest or national honor. If I am correct, as I think I am—and I dare say the Senator from Nebraska [Mr. HITCHCOCK] will agree with me—then so much of this code of rules as seeks support from that commitment of our Government is an error.

Take, for instance, the purchase of the Danish West India Islands, now about to be consummated. No Senator would for a moment contend that the attempt to purchase those islands by any foreign State would be looked upon with favor or would be a proper subject of arbitration. Arbitration would at best merely go to the question of the power of Denmark to sell the islands, while the right of any other country to buy them in this hemisphere would be instantly offensive and in immediate contact with the principles of the American Government which have for generations been recognized throughout the world as distinctly applying to our national policy.

Therefore, Mr. President, I do not feel like allowing this code of rules or propaganda of the League of Peace, which is read here for the information of Senators, to go unchallenged in that respect. Such a contention can find no possible basis in any commitment of this Government thus far made.

Senators will recall the very animated controversy in this Chamber over the proposed peace treaty with Great Britain submitted by President Taft, which the Senate rejected, and appropriately rejected, because it invaded the constitutional function of the Senate and attempted to farm out the treaty-making power to commissions and international courts not in consonance with the historic policy of this Government.

Mr. President, no power should ever be conferred on any tribunal which would commit this Government to the submission of questions, nonjusticiable in character and relating to our national honor, to any tribunal outside of the Executive and the Senate of the United States upon whom was cast the treaty-making power by the fathers of the Republic.

Mr. BRANDEGEE. Mr. President, in relation to the remarks made by the Senator from Michigan I desire to repeat the two paragraphs of the proposal of the League to Enforce Peace, to which he refers. The first is:

The program summarized: It embodies the principles of existing arbitration treaties under which the United States has agreed with more than 30 nations to submit all questions, even including those affecting the Monroe doctrine, for investigation and report by international commissions.



The next paragraph is the first proposal, and is as follows:

First. All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Mr. President, I did not vote for the 30 treaties known as the Bryan treaties, and I could not state positively at present whether the Senator from Michigan is correct or not in his statement, but my impression was that under those treaties we certainly bound ourselves to wait at least a year before there shall be any declaration of war by us on any country with whom we had made a treaty, and my impression was that it included all questions, vital questions, and questions, too, that—

Mr. LODGE. In some cases.

Mr. SMITH of Michigan. Mr. President, if the Senator from Connecticut will permit me, I desire to say that I agree with him, that controversies which may arise under those treaties were to be put in cold storage for a year, but questions of vital interest and of national honor have been preserved for the Senate, and ought to be preserved for our sole settlement.

Mr. NORRIS. Mr. President, in the absence of the Senator from New Hampshire [Mr. GALLINGER] and of the Senator from Missouri [Mr. STONE], I think some Senator should call the attention of the Senate to the fact that this discussion, which has been going on in regard to treaties and arbitration and our dealings with foreign nations, ought to be immediately stopped. This discussion should take place behind closed doors. We ought not under any circumstances to violate the rules of the Senate by discussing these matters in open session.

Mr. FLETCHER. Mr. President, I make the point of order that there is nothing before the Senate.

Mr. SMITH of Georgia. Regular order, Mr. President.

The VICE PRESIDENT. The point of order made by the Senator from Florida is sustained.

#### INDORSEMENT OF PRESIDENT WILSON'S PEACE POLICIES.

Mr. TILLMAN. Mr. President, I send to the desk and ask to have read a communication from the Speaker of the House of Representatives of the Legislature of South Carolina.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read the communication, as follows:

HOUSE OF REPRESENTATIVES,  
STATE OF SOUTH CAROLINA,  
Columbia, January 27, 1917.

The PRESIDENT,

The White House, Washington, D. C.

SIR: I have the honor to inform you that the following concurrent resolution has been unanimously agreed to by both houses of the General Assembly of South Carolina:

*"Be it resolved by the house of representatives (the senate concurring): That we heartily indorse the position of Woodrow Wilson, President of the United States, in advocating that, after the close of the present war, the United States take the initiative in forming a league of nations to guarantee the future peace of the world."*

It gives me great pleasure personally to transmit this resolution.

Very respectfully,

JAS. A. HOYT,  
Speaker of the House.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. P. Taylor, jr., one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 202) to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States on March 5, 1917.

The message also announced that the House had passed the concurrent resolution (S. Con. Res. 30) directing the method of counting the electoral votes for President and Vice President of the United States and declaring the result.

The message further announced that the House had passed the bill (S. 7537) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, county of Cattaraugus, N. Y., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 20079. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy,

and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further transmitted to the Senate resolutions (H. Res. 474) on the life and public services of Hon. Hunter H. Moss, jr., late a Representative from the State of West Virginia.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 193) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States, and it was thereupon signed by the Vice President.

#### PETITIONS AND MEMORIALS.

Mr. ASHURST. I present a resolution unanimously adopted by the Arizona Bar Association at its annual meeting at Phoenix, Ariz., January 8, 1917, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Resolution unanimously adopted by the Arizona Bar Association at its annual meeting held in Phoenix, Ariz., January 8, 1917.

Whereas since the organization of the United States district court for the district of Arizona, the volume of business of said court has so greatly increased that it has become impossible for one judge to hear and properly consider and determine the large number of litigated cases now being brought before the court, within a reasonable time, by reason of which litigants are necessarily greatly delayed in the determination of their rights, to their great inconvenience and financial loss; and

Whereas under existing law the judge of said court is required to hold two terms of said court each year in each of four counties in the State, which requirement largely increases and delays the work of the court; and

Whereas this association believes that the business before said court warrants and requires for its dispatch with reasonable speed the services of an additional judge for said district or a division thereof and the organization of an additional court upon such division: Therefore be it

*Resolved by the Arizona Bar Association in regular annual meeting assembled.* That the Congress of the United States be requested to consider the situation above mentioned, and to remedy the evils and difficulties arising therefrom, by the division of said district and the organization of an additional court therein, or by the appointment of an additional judge of said court as now organized.

That a copy of these resolutions be transmitted to the President of the Senate and the Speaker of the House of Representatives and to each of the Senators and the Member of Congress from this State.

Mr. WILLIAMS presented a petition of sundry citizens of Lee County, Miss., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. STERLING. I present a joint resolution adopted by the Legislature of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

#### CERTIFICATE.

#### SECRETARY'S OFFICE.

UNITED STATES OF AMERICA,  
State of South Dakota:

I, Frank M. Rood, secretary of state, do hereby certify that the annexed bill, to-wit, senate joint resolution No. 6, was duly passed by the 1917 session of the Legislature of the State of South Dakota.

In witness whereof, I have hereunto set my hand and affixed the great seal of the State of South Dakota, at the city of Pierre, January 25, 1917.

[SEAL.]

FRANK M. ROOD,  
Secretary of State.

A joint resolution and memorial requesting the Congress of the United States to designate Fort Meade, S. Dak., as a military training camp.

*Be it resolved by the Senate of the State of South Dakota (the House of Representatives concurring):*

Whereas there is about to be created by the Government several military training camps in the territory west of Chicago, each such training camp to be located at an established military post well equipped with natural facilities, buildings, maneuver grounds, climate, health, and similar attributes, as well as to be accessible by rail; and

Whereas Fort Meade, near Sturgis, S. Dak., combines all of these essentials on a superlative scale and is recognized as one of the best equipped posts in the West, with over \$2,000,000 worth of permanent buildings and improvements already placed there by the Government; and

Whereas the hospital records of Fort Meade, as given by the report of the Surgeon General of the United States Army, show that the pure malaria-free, bracing climate renders Fort Mead the healthiest post garrisoned in America; and

Whereas Fort Meade is reached by three great railways, Chicago & North Western, at Sturgis; Chicago, Milwaukee & St. Paul, connecting at Rapid City; and the Chicago, Burlington & Quincy, connecting at Deadwood; and

Whereas Fort Meade has its own gravity water system, supplying an abundance of the purest mountain-spring water; and



Whereas the military reservation of 7,680 acres adjoining the Black Hills Forest Reserve of 1,800 square miles, for the most part uninhabited, furnishes for the use of the garrison and all other troops which may from time to time be there assembled for drill and maneuvers, the level and rolling prairie, open and wooded streams of water, bluffs and brakes, bare hills and timbered mountains, and all varieties of country as to topography which are likely to be encountered in warfare, a combination of prime requisites not readily found: Therefore, be it

*Resolved*, That we favor the designation of and earnestly urge the Congress of the United States and the War Department to designate Fort Meade, S. Dak., as one of the Federal training camps, and that we earnestly request our Senators and Representatives in Congress to employ their best efforts to compass this end.

STATE OF SOUTH DAKOTA,  
Office of Secretary of State, ss:

Filed this 24th day of January, 1917, at 5.45 o'clock p. m.  
FRANK M. ROOD,  
Secretary of State.  
By GEO. F. SAYERS,  
Assistant Secretary of State.

Mr. TOWNSEND presented a memorial of sundry citizens of Cadillac, Mich., remonstrating against the passage of the so-called Adamson bill to replace the present eight-hour law, which was referred to the Committee on Interstate Commerce.

Mr. MARTINE of New Jersey presented memorials of sundry citizens of Porto Rico, remonstrating against the passage of the so-called Jones bill providing for civil government for Porto Rico unless amended in such form as to maintain the civil and political rights as enjoyed to-day by the people of Porto Rico, which were ordered to lie on the table.

Mr. JOHNSON of South Dakota. I have received a joint resolution of the Legislature of South Dakota, requesting the Congress of the United States to designate Fort Meade, S. Dak., as a military training camp.

A similar resolution has been presented by my colleague and ordered to be printed in the RECORD, and I ask that this copy which has been forwarded to me may be received and referred to the Committee on Military Affairs.

The VICE PRESIDENT. The resolution will be referred to the Committee on Military Affairs.

Mr. GALLINGER presented petitions of sundry citizens of Manchester, N. H., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the American Forestry Association, praying for Federal aid in the suppression of the white-pine blister rust, which was referred to the Committee on Agriculture and Forestry.

Mr. JOHNSON of Maine presented a memorial of Typographical Union No. 66, of Portland, Me., remonstrating against the enactment of legislation to exclude liquor advertisements from the mails, which was ordered to lie on the table.

Mr. WARREN presented a petition of the National Wool Growers' Association, praying that an appropriation of \$20,000 be made for the establishment of a Government sheep farm in eastern Idaho, which was referred to the Committee on Agriculture and Forestry.

#### REPORTS OF COMMITTEES.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 2362) for the relief of John Doyle, alias John Geary, reported it with an amendment and submitted a report (No. 989) thereon.

He also, from the same committee, to which was referred the bill (S. 1379) for the relief of James Gloster, reported it with amendments and submitted a report (No. 988) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3269. A bill for the relief of Francis M. Atherton (Rept. No. 990); and

S. 7316. A bill for the relief of William Thomas Winstanley (Rept. No. 991).

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 748. A bill to remove the charge of desertion from the record of Charles M. Clark (Rept. No. 992);

S. 2745. A bill for the relief of Caleb Aber (Rept. No. 993);

S. 4827. A bill for the relief of Thomas Purdell (Rept. No. 994);

S. 5305. A bill for the relief of Allen Hayden (Rept. No. 995);

S. 7155. A bill to remove the charge of desertion from the military record of P. V. Copp (Rept. No. 996); and

H. R. 5385. An act for the relief of William A. Steward (Rept. No. 997).

Mr. BECKHAM, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse re-

ports thereon, which were agreed to, and the bills were indefinitely postponed:

S. 4011. A bill for the relief of William H. Lung;

S. 7370. A bill for promotion of Edward Lloyd, major, United States Army (retired), to position and rank of lieutenant colonel, United States Army (retired);

S. 7154. A bill to correct the military record of John Corwin;

S. 5135. A bill to correct the military record of William R. Potter; and

S. 4032. A bill for the relief of Francis J. Mattler.

Mr. KERN, from the Committee on Finance, to which was referred the bill (H. R. 9288) providing for the refund of certain duties illegally levied and collected on acetate of lime, reported it without amendment and submitted a report (No. 999) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 7910) authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place, reported it with amendments and submitted a report (No. 985) thereon.

#### THE SUPREME COURT.

Mr. WALSH. I submit the report of the minority of the Committee on the Judiciary on the bill (S. 4551) to authorize the Supreme Court to prescribe forms and rules and generally to regulate pleading, procedure, and practice on the common-law side of the Federal courts.

The VICE PRESIDENT. The report (Pt. II, S. Rept. 892) will be received and printed.

#### JULIA KLAVINSKI.

Mr. BRYAN. On June 20, 1916, there was received from the House of Representatives a bill (H. R. 12859) for the relief of Julia Klavinski, and it was inadvertently referred to the Committee on Naval Affairs. I ask unanimous consent that the Committee on Naval Affairs be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The VICE PRESIDENT. The bill will be referred to the Committee on Claims.

#### DRAWING OF FEDERAL GRAND JURIES.

Mr. OVERMAN. From the Committee on the Judiciary, I report back favorably without amendment the bill (H. R. 20209) to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Mr. President, I ask that the bill be read, so that we may understand just what it proposes.

Mr. OVERMAN. I can tell the Senator what the bill provides. It provides for the appointment of a deputy clerk of the Federal court to aid in the drawing of grand juries. The law at present requires the clerk and the commissioner appointed by the court to draw the grand jury. In some parts of the country the distances separating the courts are great, being in one case 400 miles. The clerk of the court can not get there, and when that is the case there ought to be a deputy clerk to assist the commissioner in drawing the grand jury. In a recent case there was a motion sustained to quash an indictment because the grand jury was not drawn by the clerk of the court. The statute was construed strictly, and as I have stated the indictment was quashed. This proposes to allow a deputy clerk to aid the commissioner in the drawing of the grand jury. That is all.

Mr. SMITH of Georgia. Does it provide for a deputy clerk to do that everywhere?

Mr. OVERMAN. It gives the deputy clerk the authority to help the commissioner in drawing the grand jury.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from North Carolina what court quashed the indictment to which he referred?

Mr. OVERMAN. A circuit court of the United States.

Mr. SUTHERLAND. For what circuit?

Mr. OVERMAN. The circuit embracing the State of Texas; I have forgotten which circuit that is.

Mr. SMITH of Georgia. That is the fifth circuit.

Mr. OVERMAN. Yes; the fifth circuit.

Mr. SUTHERLAND. It seems to me to be a most remarkable holding.

Mr. OVERMAN. It does seem to be a remarkable decision; but I have the decision here, if the Senator desires to see it.

Mr. SUTHERLAND. The ordinary rule is that when an officer is authorized to do a thing, he can do it by deputy.

Mr. OVERMAN. That is what I thought and what everybody else thought.



Mr. SUTHERLAND. That has been, so far as I know, the universal holding; that is the purpose of a deputy—to act in the absence of his principal.

Mr. OVERMAN. In the case to which I referred the criminal who was indicted got off for the reason that the court construed the statute strictly. That is the reason of the emergency for this legislation. They have thousands of cases down there in which they have to have a grand jury, and sometimes the clerk can not get to the court; and, as I have stated, in some cases they have to go from 500 to 600 miles to draw grand juries, and there is no way in which to pay the expense. This bill proposes to allow the deputy clerk to aid the commissioner in drawing the grand jury.

Mr. WALSH. Mr. President, I understand that the theory of the matter is that the clerk acting in this capacity does not act in his official capacity as clerk, but as a member of a commission which is authorized to draw the jury, and that, accordingly, his place can not be taken by his deputy.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 276 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, so as to read as follows:

SEC. 276. All such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than 300 persons possessing the qualifications prescribed in the section last preceding, which names shall have been placed therein by the clerk of such court, or a duly qualified deputy clerk, and a commissioner, to be appointed by the judge thereof, or by the judge senior in commission in districts having more than one judge, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk, or a duly qualified deputy clerk then acting, may belong, the clerk, or a duly qualified deputy clerk, and said commissioner each to place one name in said box alternately, without reference to party affiliations until the whole number required shall be placed therein.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MISSISSIPPI RIVER BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments the bill (S. 7924) authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county, and I submit a report (No. 986) thereon. I ask unanimous consent for the present consideration of the bill.

The Senate, by unanimous consent, proceeded to consider the bill.

The amendments were, in line 6, after the words "Mississippi River," to insert "at a point suitable to the interests of navigation"; in line 7, after the word "forty-six," to insert "north"; in the same line, after the word "thirty," to insert "west, fifth principal meridian"; and in the same line, after the word "Minnesota," to insert "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," and to add as a new section to the bill the following:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

*Be it enacted, etc.,* That the county of Beltrami, in the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, in section 22, township 146 north, range 30 west, fifth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLAPP. Mr. President, a few moments ago the junior Senator from Texas [Mr. SHEPPARD] reported two bridge bills for my colleague [Mr. NELSON]—one Senate bill No. 7924 and the other Senate bill No. 7910—and asked unanimous consent for their present consideration. Senate bill No. 7910 was folded up in the other bill, so that it was not reported by the clerk. My colleague, assuming that the request had been made and carried out, has gone to attend to committee work, and I ask unanimous consent for the present consideration of Senate bill No. 7910.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded, by unanimous consent, to consider the bill which had been reported from the Committee on Commerce, with amendments, in line 7, after the words "Mississippi River," to insert "at a point suitable to the interests of navigation"; in line 8, after the word "forty-six," to insert "north"; and, in the same line, after the word "thirty-three," to strike out "in the State of Minnesota" and insert "west, fifth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," and to add as a new section to the bill the following:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

*Be it enacted, etc.,* That the city of Bemidji, a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation between lots 1 and 2, section 16, township 146 north, range 33 west, fifth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FORT GEORGE WRIGHT MILITARY RESERVATION (S. REPT. 987).

Mr. BRADY. From the Committee on Military Affairs, I report back favorably, with an amendment, Senate bill 6133, authorizing the Secretary of War to grant to John D. Sherwood, of Spokane, Wash., the right to overflow certain lands on the Fort George Wright Military Reservation at Spokane, Wash., and to accept the conveyance to the United States of other lands to be designated by the Secretary of War and suitable for a rifle range in exchange for the land so overflowed. I call the attention of the Senator from Washington [Mr. POINDEXTER] to the report.

Mr. POINDEXTER. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Mr. President, a number of requests for unanimous consent have been agreed to, and I am not going to object to this; but I shall object to any other unanimous-consent request. As long as we have a calendar of about 22 pages to look after, if we allow bills to be reported and not go to the calendar we never will get a chance to consider bills on the calendar.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. TOWNSEND. I ask that the bill be read. I should like to know what it contains.

The VICE PRESIDENT. The Secretary will read the bill.

The SECRETARY. The committee proposes to strike out all after the enacting clause and to insert:

That the Secretary of War be, and he is hereby, authorized and empowered to grant an overflow right and easement to John D. Sherwood, of Spokane, Wash., as grantee, his heirs and assigns, to raise the waters of the Spokane River along the east shore line of the Fort George Wright Military Reservation, at Spokane, Wash., to such an extent, in such manner, and on such terms and conditions as the Secretary of War may prescribe: *Provided*, That the Secretary of War may require, in his discretion, as a condition precedent to the overflow of the said lands, either that the said John D. Sherwood, the grantee under the act, shall fill the overflowed lands to such an extent as may be necessary to permanently establish the target range above high-water level in its present location on the reservation or that he shall convey to the United States in exchange for the said overflow right and easement other lands for a target range for the reservation of such area and extent and in such location as, in the judgment of the Secretary of War, may be satisfactory for the said purpose, and the Secretary of War is hereby authorized to accept on behalf of the United States title to such lands as may be conveyed: *And provided further*, That the grantee, the said John D. Sherwood, shall construct to the satisfaction of the Secretary of War, or such officer or officers as he may designate, either on the lands filled in on the reservation or on the lands conveyed to the United States in exchange for the overflow right and easement granted by this act, as the case may be, such target butts, pits, buildings, and other necessary accessories as may be required to replace the existing Government range on the reservation.

Mr. TOWNSEND. Mr. President, I wish to ask the Senator a question. This bill grants the right to construct a dam, I suppose, which will overflow this land?

Mr. POINDEXTER. It does not. It does not deal in any way with the right to construct a dam. In fact, that question is not involved, because the location of the proposed dam is on a meandered stream and on private property. It would not require an act of Congress to give that right. This man already has that right.



Mr. TOWNSEND. Then let me change the inquiry. This overflowing is to occur on account of the construction of a dam?

Mr. POINDEXTER. Yes.

Mr. TOWNSEND. Will the overflow affect any other land than that on the reservation?

Mr. POINDEXTER. No other public land. It will affect private lands.

Mr. TOWNSEND. I hastily caught the reading. Would the passage of the bill in any way hold the United States responsible for any damages that might occur by reason of this overflowing on private lands?

Mr. POINDEXTER. It could not possibly have any such effect as that, because the overflowing is not to be done under this bill. The only thing that the bill deals with is the military reservation, and its passage is desired to enable the Secretary of War and Mr. Sherwood to adjust the effect of the overflowing of the land on the military reservation.

Mr. TOWNSEND. And the dam is not on the public domain?

Mr. POINDEXTER. It is not on the public domain.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The question is on the amendment of the committee, which has been stated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### COURTS IN TENNESSEE.

Mr. SHIELDS. Mr. President, from the Committee on the Judiciary I report back favorably, with an amendment, the bill (S. 378) to provide for the appointment of a district judge in the middle and eastern judicial districts in the State of Tennessee, and for other purposes, and I submit a report (No. 998) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Mr. President, I have just given notice that I would object to the consideration of any more bills in the morning hour.

Mr. SHIELDS. I understood the Senator to say that he would object to the consideration of bills on the calendar.

Mr. SMOOT. Oh, no. The objection is to bills being reported now and considered while there are so many bills upon the calendar. I gave notice to that effect.

Mr. SHIELDS. I misunderstood the Senator's announcement. This is a bill which has just been reported.

Mr. SMOOT. I should very much prefer to have the Senator not ask unanimous consent at this time.

Mr. SHIELDS. I understand that to be an objection.

The VICE PRESIDENT. The bill will go to the calendar.

Mr. SHIELDS. I ask permission to file a supplemental report upon this bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

#### DECISION ON WEBB-KENYON LAW.

Mr. NORRIS. Mr. President, I should like to inquire of the chairman of the Committee on Printing whether the committee have considered a matter that was referred to them quite a long while ago, and which it seems to me ought to be passed upon soon if it is going to be passed on. It was a request that the opinion of the Supreme Court of the United States in passing on the so-called Webb-Kenyon bill be made a Senate document. There are a great many inquiries coming in for copies of that opinion, and it can not be obtained. The supply is exhausted.

Mr. CHILTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from West Virginia?

Mr. NORRIS. I certainly do.

Mr. CHILTON. I will say to the Senator that I have been absent from the city for more than a week on account of illness in my family and only just returned to the city this morning. I expect to call a meeting of the committee on Wednesday morning, and this matter will be taken up at that time.

Mr. NORRIS. I thank the Senator. I hope the matter will be passed on at that time.

#### THE PENAL CODE.

Mr. BRANDEGEE. I ask that the memorandum which I hold in my hand, which was prepared by Assistant Attorney General Charles Warren, on the question of the history and scope of the laws prohibiting correspondence with a foreign

Government, and acceptance of a commission to serve a foreign State in war, may be printed as a Senate document. It is a very valuable contribution to the history of a statute, the validity of which has been called in question, which was designed to protect this Government from the machinations of people in this country interfering with our foreign representations.

Mr. FLETCHER. I think it ought to go to the Committee on Printing.

Mr. BRANDEGEE. I have no objection whatever to its going to the committee.

The VICE PRESIDENT. The memorandum will be referred to the Committee on Printing.

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 8059) for the relief of T. L. Love, surviving partner of Robert Love & Son; to the Committee on Claims.

By Mr. JOHNSON of South Dakota:

A bill (S. 8060) granting a pension to James H. Kearney (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 8061) granting an increase of pension to Nancy Brooks (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 8062) to provide for the purchase of additional land for the enlargement of the site of the public building at Stamford, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. NORRIS:

A bill (S. 8063) granting an increase of pension to David E. Dodge; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 8064) making an appropriation for the construction of a scenic road to Mount Evans, in the State of Colorado, and granting to the city and county of Denver the right of way over the public lands within a mile of said road; to the Committee on Public Lands.

By Mr. SMITH of Michigan:

A bill (S. 8065) granting a pension to Cassie B. Hendricks; A bill (S. 8066) granting an increase of pension to Benjamin S. Wilbur; and

A bill (S. 8067) granting an increase of pension to Marion Davis (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 8068) granting a pension to Sarah Fannie Higgins (with accompanying papers);

A bill (S. 8069) granting an increase of pension to Timothy S. Heald (with accompanying papers); and

A bill (S. 8070) granting an increase of pension to Daniel Libby (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 8071) granting a pension to Horace V. Andrews (with accompanying papers); to the Committee on Pensions.

By Mr. PITTMAN:

A joint resolution (S. J. Res. 204) to create a joint committee from the Senate and House to sit to consider Alaska needs and legislation; to the Committee on Territories.

By Mr. WILLIAMS:

A joint resolution (S. J. Res. 205) authorizing the removal of the statue of Admiral Dupont in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof; to the Committee on the Library.

#### RIVER AND HARBOR APPROPRIATIONS (H. R. 20079).

Mr. SAULSBURY submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. OLIVER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. CURTIS submitted an amendment providing that hereafter no greater rate of postage shall be charged for publications of the regular annual proceedings and triennial and other reports of fraternal societies and lodges than is charged for sending magazines and periodical publications through the mails, etc., intended to be proposed by him to the Post Office appropriation



bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also submitted an amendment proposing to appropriate \$221.22 to reimburse Joel J. Booth for expenditures made by him for clerk hire as postmaster at Conway, Kans., etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19410), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. JOHNSON of Maine submitted an amendment authorizing the Secretary of War to acquire the remainder of the land on Cushings Island, Portland Harbor, Me., intended to be proposed by him to the fortifications appropriation bill (H. R. 20453), which was referred to the Committee on Appropriations and ordered to be printed.

#### GOVERNMENT FOR PORTO RICO.

Mr. POINDEXTER submitted three amendments intended to be proposed by him to the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes, which were ordered to lie on the table and be printed.

#### HOUSE OF DAILY MEETING.

On motion by Mr. KERN, it was

Ordered, That until otherwise ordered the hour for the daily meeting of the Senate shall be 11 o'clock in the forenoon.

#### ALLEGHENY RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 7537) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegheny, county of Cattaraugus, N. Y.

Mr. OLIVER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

#### HOUSE BILLS REFERRED.

H. R. 20079. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

The following bills were each read twice by their titles and referred to the Committee on Pensions:

H. R. 20451. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 20496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

#### GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I ask unanimous consent that there be held a session of the Senate on to-morrow evening, from 8 to 11 o'clock p. m., for the purpose of considering the bill to establish a civil government for Porto Rico. I wish to say that this bill is one that it is almost imperative to have passed at this session of Congress. The Porto Ricans have no Delegate in the House of Representatives at present, and they can not have one until a measure of this kind is passed. I would couple with that request the further one that no final vote be taken upon the bill if anybody present at the session raises an objection.

The VICE PRESIDENT. Is there any objection?

Mr. GRONNA. I object, Mr. President.

Mr. LANE. Mr. President, I beg pardon—what was the request?

The VICE PRESIDENT. There is an objection.

#### SCHOOL PROPERTY IN DENVER.

Mr. THOMAS. I ask unanimous consent for the immediate consideration of the bill (H. R. 217) to authorize the sale of school property in the city of Denver, Colo., and for other purposes.

The VICE PRESIDENT. Is there objection?

Mr. TOWNSEND. Let the bill be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. The bill had been reported from the Committee on Public Lands with amendments on page 1, line 5, after the words "dispose of," to insert "and to execute a deed of conveyance for"; and on page 2, line 16, after the word "premises," to insert:

And provided further, That before such sale the said block shall be appraised by a board composed of three members to be appointed by the District Court of the United States for the District of Colorado, upon petition therefor by the State superintendent of public instruction, which board shall duly report such appraisement, after the making thereof, to said court and there recorded; and no sale shall be made of said block and the improvements thereon for a sum less than the amount of

such appraisement: And provided further, That such sale when made shall be approved by the said State superintendent of public instruction before any conveyance thereof shall be made and delivered.

So as to make the bill read:

Be it enacted, etc., That the board of education of school district No. 1, in the city and county of Denver, State of Colorado, be, and is hereby, authorized to sell and dispose of and to execute a deed of conveyance for block No. 143 in the east division of the city of Denver, State of Colorado, donated and set apart for educational purposes by the act of Congress approved February 24, 1879 (20 Stat. L., pp. 317 and 318), together with the improvements thereon, so much of said act of Congress as prohibited alienation or other use of the property, upon penalty of reversion to the United States, being hereby repealed: Provided, That all proceeds of sale or disposition of said block and the improvements thereon, less reasonable brokerage, if any, shall be set apart, appropriated, and expended by said board of education for the purchase of other land in said school district for school purposes and the erection of school buildings thereupon: And provided further, That to the extent the said school district shall make use of the said proceeds for purposes other than as limited herein, it shall be held and deemed to be indebted to the Government of the United States, recoverable in appropriate proceedings in the United States District Court for the District of Colorado, which is hereby vested with jurisdiction in the premises: And provided further, That before such sale the said block shall be appraised by a board composed of three members to be appointed by the District Court of the United States for the District of Colorado, upon petition therefor by the State superintendent of public instruction, which board shall duly report such appraisement, after the making thereof, to said court and there recorded; and no sale shall be made of said block and the improvements thereon for a sum less than the amount of such appraisement: And provided further, That such sale when made shall be approved by the said State superintendent of public instruction before any conveyance thereof shall be made and delivered.

The amendments were agreed to.

Mr. TOWNSEND. Mr. President, I desire to ask the Senator from Colorado a question with regard to this bill. If I understood the reading of it correctly, the city of Denver has this land now under a grant from the Government on condition that it shall be used for school purposes. I understand further from the reading of the bill that, contemplating the possibility that all the proceeds of the sale of this land may not be used for the new school building, in such case there will be a debt due to the United States for the balance. I should like to ask the Senator how the United States is going to recover that balance?

Mr. THOMAS. The Senator is mistaken. When the section and a half constituting the original city of Denver was conveyed by the Government to the inhabitants, it reserved a block of ground for governmental purposes. That block was afterwards conveyed by the Government to the school district for school purposes. Upon the block is a very large high school, and it has been used for that purpose ever since 1876. The business portion of the town has grown around this block, so that in the opinion of the Chamber of Commerce and of the school district it is no longer suitable for the purpose for which it was designed.

The object of this bill is to permit the school board to sell this block, with the improvements, at a minimum price to be fixed by appraisers, to be appointed by the United States district court, and all of the proceeds are to be used in obtaining a site and the construction of a building elsewhere. There is nothing coming to the United States whatever.

Mr. TOWNSEND. Perhaps I misunderstood the bill, but as I caught the reading it contained a provision that in case the proceeds were not all used for school purposes the balance should be recoverable by the United States.

Mr. THOMAS. I do not think anything of that kind is in the bill, although the Senator may be correct. I have not read the bill for some time.

Mr. SHAFROTH. Mr. President, I will say to the Senator that it is contemplated that a larger sum of money will be spent in the erection of the new building than the present site will bring.

Mr. THOMAS. There is no doubt that the new building and site will cost a sum in excess of the amount of the proceeds from the sale of this property.

Mr. TOWNSEND. This is the provision to which I call the Senator's attention:

And provided further, That to the extent the said school district shall make use of the said proceeds for purposes other than as limited herein, it shall be held and deemed to be indebted to the Government of the United States, recoverable in appropriate proceedings in the United States district court for the district of Colorado, which is hereby vested with jurisdiction in the premises.

Mr. THOMAS. Mr. President, I shall ask to have that clause eliminated. I do not think it ought to be in the bill; and I am obliged to the Senator from Michigan for calling my attention to it. I will state that I have not read this bill for some time, and while I have no doubt that the framer of the bill who introduced it in the House had by that proviso some end in view, I think that provision ought to go out, and I ask to have it stricken out.

Mr. SMOOT. I suggest to the Senator that the bill go to the calendar.



Mr. THOMAS. I am anxious to have it disposed of now. If it goes to the calendar I am afraid it will not be acted upon at this session.

Mr. TOWNSEND. I will not make any objection to the bill, with the provision to which I have called attention stricken out.

Mr. THOMAS. I understand, and I am obliged to the Senator for calling my attention to that provision.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Colorado if he has given consideration to the question as to whether or not the last proviso which is inserted as an amendment is within the power of Congress to enact—whether the employment of a board of appraisers can be considered a judicial function; that is, whether it is part of the judicial power?

Mr. THOMAS. Mr. President, I think that the Government can provide a means for preventing a possible sacrifice of the property which can only be alienated by waiving a condition which has been imposed upon the title. I see no reason why this arrangement can not be made. It is hardly a judicial function, but is a method of determining a minimum value.

Mr. SUTHERLAND. The Senator knows that in the past upon some occasions when Congress has undertaken to confer upon the courts the power to deal with some ministerial subject, the courts themselves have held that the act which they were authorized to perform was not in the exercise of the judicial power. We undertook, if I recall aright, in the early days of the Government to confer upon the courts the power to deal with pensions in some form, and the courts held that that was beyond the power of Congress to do. It occurs to me that to direct that a court of the United States shall appoint a board of appraisers to appraise a body of land on the petition of the State superintendent of public construction does not call for the exercise of judicial power.

Mr. THOMAS. I think that the judge of the United States court in acting under the authority conferred here does not exercise any judicial power. He merely acts as the agent of the Government in selecting the board of appraisers to determine value.

Mr. SUTHERLAND. I shall not object to it, if the Senator is satisfied.

The VICE PRESIDENT. The amendment proposed by the Senator from Colorado will be stated.

The SECRETARY. On page 2, after line 8, it is proposed to strike out the following proviso:

*And provided further, That to the extent the said school district shall make use of the said proceeds for purposes other than as limited herein it shall be held and deemed to be indebted to the Government of the United States, recoverable in appropriate proceedings in the United States district court for the district of Colorado, which is hereby vested with jurisdiction in the premises.*

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. Mr. President, I move that the bill H. R. 9533, to provide a civil government for Porto Rico, and for other purposes, be made a special order for to-morrow, Tuesday, night at 8 o'clock, to be debated and to be voted upon until 11 o'clock; that no other business be taken up between those hours; and that upon final determination, if anyone objects to a vote on the bill, it shall go over.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. First, can that motion as made be allowed to contain all those elements when it is a special order? Second, can the special order be entered by simply a majority vote?

The VICE PRESIDENT. It will require a two-thirds vote. The Chair construes this to be a motion by the Senator from Colorado to make the Porto Rican bill a special order at 8 o'clock on to-morrow night, which may be done by a two-thirds vote of the Senate.

Mr. BRANDEGEE. But I was going to add, does the Senator from Colorado then eliminate from his motion the other features which he suggested?

Mr. SHAFROTH. I am willing to eliminate all the balance of it and just move that it be made a special order for 8 o'clock on to-morrow night.

The VICE PRESIDENT. The Chair supposes that requires a rising vote.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martin, Va.	Shields
Beckham	Gronna	Martine, N. J.	Smith, Md.
Brady	Hardwick	Myers	Smith, Mich.
Brandegee	Hitchcock	Nelson	Smoot
Broussard	Hollis	Norris	Sterling
Bryan	Hughes	Olliver	Sutherland
Chamberlain	Husting	Page	Thomas
Chilton	James	Pittman	Thompson
Clapp	Johnson, Me.	Poindexter	Tillman
Culberson	Jones	Pomerene	Townsend
Cummins	Kenyon	Ransdell	Wadsworth
Curtis	Kern	Robinson	Walsh
Dillingham	La Follette	Saulsbury	Warren
Fall	Lane	Shafroth	Watson
Fernald	Lewis	Sheppard	Weeks
Fletcher	McCumber	Sherman	Williams

Mr. ROBINSON. I was requested to announce that the Senator from Oklahoma [Mr. GORE] is unavoidably absent. He is ill at his home.

Mr. MARTIN of Virginia. I desire to announce that my colleague [Mr. SWANSON] is detained at home by illness.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present. The Senator from Colorado [Mr. SHAFROTH] moves that the bill (H. R. 9533) to provide for a civil government for Porto Rico, and for other purposes, be made the special order for Tuesday evening, January 30, 1917, at 8 o'clock.

Mr. TOWNSEND. I should like to inquire, in case the motion prevails and a special order is made for the consideration of this bill at 8 o'clock to-morrow evening, will it become the unfinished business if it is before the Senate on the adjournment to-morrow?

The VICE PRESIDENT. It will not. The rule provides that it becomes the special order from day to day.

Mr. TOWNSEND. At that hour?

The VICE PRESIDENT. At that hour.

Mr. TOWNSEND. Another question: When the bill is laid before the Senate to-morrow evening, if the motion prevails now, can the bill be supplanted by a majority vote of the Senate?

The VICE PRESIDENT. That is a question the Chair does not choose to guess upon now. It would be a pure guess on the part of the Chair without an opportunity to investigate the rule and the precedents.

Mr. TOWNSEND. I notice that Rule X on this subject says:

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

Whether it requires a majority vote or a two-thirds vote to displace it was the question that I suggested.

Mr. GALLINGER. A majority vote.

The VICE PRESIDENT. The first impression of the Chair is that it can be changed by a majority vote, but the Chair does not care to be bound by that opinion.

Mr. GALLINGER. The rule specifies that it can be supplanted by a motion that is not debatable. That carries with it the implication, I should judge, that it would be a majority vote.

The VICE PRESIDENT. The present occupant of the chair never has had it presented heretofore, and knowing nothing about the precedents the Chair reserves the right to file a dissenting opinion.

Mr. BRANDEGEE. Mr. President, I have not had a chance to look at the rule as to special orders, and I ask the Chair if I correctly understood the Chair to rule that if the bill should be made the special order for 8 o'clock to-morrow evening and not finished on that evening there would have to be an evening session of the Senate held every day?

The VICE PRESIDENT. Not necessarily so.

Mr. BRANDEGEE. But if we had evening sessions the bill would have to be laid before the Senate night after night until disposed of as long as we held an evening session? I ask for information. I have not had a chance to look at the rule, but I want to know the effect of the vote.

The VICE PRESIDENT. There was a question of this kind which arose during the last session of Congress.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The VICE PRESIDENT. The Chair must finish his ruling.

Mr. ASHURST. I beg the Chair's pardon.

The VICE PRESIDENT. At the last session of Congress, as the Chair now remembers it, at which there was a special order made and this very question arose, the Chair thinks the Chair then held that it came up from day to day.

Mr. GALLINGER. At the same hour as stated?

The VICE PRESIDENT. At the same hour. But before there was any final disposition of the ruling the bill passed away.



from the consideration of the Senate and it was not definitely determined.

Mr. SMOOT. May I call the attention of the Chair to a decision in the Book of Precedents?

[Thirty-seventh Cong., 2d sess.; J., pp. 253, 254. Feb. 28, 1862.]

On motion by Mr. Fessenden to postpone the further consideration of the bill (special order, being S. 151, to confiscate property, etc.) to to-morrow, and that the Senate proceed to the consideration of the bill (H. R. 208) "making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th June, 1863, and additional appropriations for the year ending the 30th June, 1862"; yeas 24, nays 20.

Before the decision upon the question was announced by the Vice President (Mr. Hamlin) Mr. Foot raised a question of order, viz, whether, as by the thirty-first rule of the Senate, it requires a vote of two-thirds of the Senators present to make any subject a special order, it does not require a like vote of two-thirds, a special order being under consideration, to postpone it.

The Vice President (Mr. Hamlin) decided that upon a motion to postpone a special order a majority could determine. (See CONGRESSIONAL GLOBE, pp. 1014, 1015.)

Mr. SHAFROTH. If there is any doubt about it, I would be glad to incorporate as a part of the motion that the bill shall be considered until displaced by a majority vote taking up other proposed legislation.

The VICE PRESIDENT. This is what the present occupant of the chair decided. There was an appeal by the Senator from Utah [Mr. SUTHERLAND]. This record does not show what became of the appeal, but in his opinion, after reviewing the authorities, the Chair said:

The Chair has no doubt that the present bill is a special order for 1 o'clock from day to day or until it becomes the unfinished business at 2 o'clock or until it has been disposed of by order of the Senate. The reason for this is that at the hour of 1 o'clock a motion can be made to take up a bill upon the calendar. This may be done by a majority vote; but as the present order was made by a two-thirds vote, it remains such special order until by affirmative action of the Senate it is displaced.

Mr. SHAFROTH. I will say further to the Senator from Michigan that I do not think this bill will take more than one evening. There is no minority report on the bill. It has some detail provisions in it, but I believe it can all be disposed of at one evening session.

Mr. TOWNSEND. With reference to the question I asked the Chair, and which he decided, namely, that the bill would not become the unfinished business if an adjournment occurred to-morrow evening while the bill was before us, I wish to read the rule. Rule X provides, under "special orders":

And if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

I was wondering what that meant if it does not mean that it becomes actually the unfinished business on the adjournment of the Senate on that day.

Mr. SHAFROTH. I am willing to eliminate that by a specific statement that it shall not become the unfinished business.

The VICE PRESIDENT. The Chair is of the opinion that the meaning of that rule is this, that if a special order shall be made, say, for 1 o'clock, and there is no unfinished business at 2 o'clock and a discussion of the special order continues until the adjournment of the Senate, then it becomes the unfinished business. But the Chair does not believe, notwithstanding the rule, simply because it is the last measure under discussion at the close of the day it thereby supplants the unfinished business. It is simply a special order that continues from day to day, if the Senate is in session, until it is disposed of, and only becomes the unfinished business in the event that there is none already upon the calendar. That is the best opinion the Chair can give now.

Mr. BRYAN. The Chair ruled in 1914, and there was an appeal from the decision of the Chair, and the ruling of the Chair was sustained, to the effect that a bill being once made a special order it shall be taken up at the same hour or on each succeeding day until disposed of or until the unfinished business displaces it. So, if the motion of the Senator from Colorado prevails, it will be considered every night at 8 o'clock until disposed of under that ruling of the Chair, which was sustained by the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado.

Mr. WALSH. Mr. President, a further parliamentary inquiry. This motion, I suppose, is made under Rule X, which provides as follows:

Any subject may, by a vote of two-thirds of the Senators present, be made a special order, and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of—

And so forth.

In all probability there will be unfinished business to-morrow night, namely, House bill 408, and it will be the duty of the Presiding Officer then to lay the unfinished business before the Senate. But if, however, the other bill was taken up and was not finished, it would become the unfinished business.

Accordingly, Mr. President, unless we get unanimous consent at that time to lay aside the unfinished business in order to take up the measure proposed by the Senator from Colorado, the unfinished business will have to be laid before the Senate to-morrow evening, and it will have to be proceeded with unless we can get unanimous consent, or unless it shall be displaced as unfinished business.

I will say to the Senator from Colorado that I shall be glad to-morrow evening to ask unanimous consent to lay aside the unfinished business temporarily in order that the evening may be devoted to a discussion of his measure, but I would not like to vote for the motion of the Senator unless we can have some agreement that will preserve the parliamentary status of the unfinished business.

Mr. SHAFROTH. I have no desire—

The VICE PRESIDENT. Let us see if the Chair can clarify what the Chair thinks has heretofore been ruled and sustained by the Senate. It is—

First. That by a two-thirds vote of the Senate a special order may be made for the consideration of a bill.

Second. If that special order shall happen to be made at an hour when there is unfinished business, it does not take the place of the unfinished business, the unfinished business proceeds and the special order has no power.

Third. If it is set at an hour when there is no unfinished business, then it is before the Senate until the hour arrives for the laying of the unfinished business before the Senate.

Fourth. If there be no unfinished business and it be the last subject considered on the day it becomes the unfinished business of the next day.

Fifth. If, however, there be unfinished business, then it remains a special order to be taken up from day to day, unless by so doing it shall interfere with the unfinished business of the Senate.

That is what the Chair rules.

Mr. TOWNSEND. Mr. President, if I understand it correctly then, to-morrow evening, if we pass this special order, when the bill is laid before the Senate the unfinished business will have to be laid aside by unanimous consent. If it is not laid aside by unanimous consent, then the power bill becomes the business before the Senate to-morrow night. A great many Senators might be perfectly willing to come here and listen to a discussion and act, if need be, upon the Porto Rican bill when they would not care to do that in reference to the power bill.

So it seems we have no assurance at all that this bill will be taken up for consideration to-morrow night at 8 o'clock if two-thirds of the Senate vote to make it a special order, because of the pendency of the unfinished business, which is House bill 408, the power bill.

I think that Senators ought to understand this matter, so that they may know exactly what they are doing when they vote for this proposition.

Mr. GRONNA. Will the Senator from Colorado yield to me?

Mr. SHAFROTH. I yield to the Senator.

Mr. GRONNA. I objected to making the bill a special order for to-morrow night. I did not make the objection because I do not want to have the bill considered, but I am opposed to making it a special order. If the Senator from Colorado will accept the suggestion made by the Senator from Montana, that we meet here to-morrow evening and he will ask that the unfinished business be laid aside, I shall have no objection to taking up the Porto Rican bill at that time. I would suggest that we proceed in that way.

Mr. SHAFROTH. Mr. President, I should like to know whether I may get a special order to consider this bill from 8 o'clock until 11 o'clock. I feel confident that we can finish the bill by 11 o'clock. If we have three hours' discussion on it, I think all parties who care to be heard will have the opportunity to be heard. Let it be the understanding that the unfinished business does not supersede it and it does not require unanimous consent.

The VICE PRESIDENT. The Chair has tried to be clear, but evidently has not been. The Senator from Colorado [Mr. SHAFROTH] could have obtained just what he wants by unanimous consent, but that has been denied him. He has a perfect right to move to make the bill a special order for 8 o'clock to-morrow evening, and it will be agreed to if his motion is carried by a two-thirds vote; but neither the Senator from Colorado nor the Chair can say as to whether or not there will be unfinished business at that hour to-morrow night, which some Senator



may then insist upon proceeding with, and if he should insist upon proceeding with it the Chair would be compelled to hold that he had a right to have it then considered by the Senate.

Mr. SHAFROTH. Well, Mr. President, under those circumstances, I ask unanimous consent that the Senate take up for consideration at 8 o'clock to-morrow night the Porto Rican bill, vote upon it, and adjourn at 11 o'clock unless sooner disposed of.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. The request of the Senator from Colorado will require a roll call.

Mr. SHAFROTH. I will withdraw that request, because I can see that a quorum would be called for; but I will request that the bill be considered until 11 o'clock to-morrow evening unless sooner disposed of.

Mr. GRONNA. Mr. President, the Senator from Colorado knows that I have some amendments which I intend to offer to the bill to which he refers. I desire to discuss those amendments, and I am not willing to agree that we shall vote upon the bill to-morrow night.

Mr. SHAFROTH. I do not ask that the bill be disposed of at 11 o'clock. I should like to have it disposed of at that time; but I simply ask that the bill be considered between the hours of 8 o'clock and 11 o'clock to-morrow night, unless sooner disposed of.

Mr. SMOOT. Mr. President, we have already lost a good deal of time, and I do not desire to lose any more, so I shall object.

The VICE PRESIDENT. There is objection.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The VICE PRESIDENT. The question is whether the Senator from Colorado withdraws his motion to make the bill to which he has referred a special order. That is the pending question, unless the Senator withdraws his motion.

Mr. SHAFROTH. I withdraw it for the time being, Mr. President.

#### THE INAUGURAL CEREMONIES.

Mr. SMITH of Maryland. I report from the Committee on Appropriations without amendment the joint resolution (S. J. Res. 203) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1917.

I ask unanimous consent that the joint resolution may be acted upon at once.

Mr. SMOOT. Mr. President, in conformity with my statement made a short time ago, objecting to the consideration of other business, I am compelled to object to the consideration of this joint resolution. I know what the joint resolution is; but I said I was going to object to such requests, and I shall have to do so.

Mr. SMITH of Maryland. Mr. President, I desire to make a short statement in regard to the joint resolution. The Commissioners of the District of Columbia have appeared before us and have stated that they must know what they have got to depend upon in order that they may proceed with the work in connection with the presidential inaugural ceremonies. It will take a very few moments to consider and dispose of the joint resolution.

Mr. SMOOT. I am compelled to object to its consideration, Mr. President.

The VICE PRESIDENT. There is objection.

Mr. SMITH of Maryland. Then I withdraw the report.

The VICE PRESIDENT. The report is withdrawn.

#### ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

Mr. CUMMINS. Mr. President, while I know that it will give me no rights whatever, I think it is only fair to give notice that to-morrow, after the expiration of the morning hour and as soon as the opportunity presents itself, I shall move to proceed to the consideration of Senate resolution 326.

#### INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is found at the bottom of page 27 of the bill, where the Committee on Indian

Affairs, after the word "education," in line 24, proposes to strike out "\$8,000" and to insert "\$5,000," so as to read:

#### FLORIDA.

Sec. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, \$5,000.

The VICE PRESIDENT. The question is on the amendment proposed by the committee.

Mr. SMOOT. The yeas and nays have been ordered on that amendment, Mr. President.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. While I have an understanding with him which covers certain matters I do not think it covers this proposition, and therefore I refrain from voting.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. In his absence I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. As he is absent from the Chamber, I shall have to withhold my vote. If permitted to vote I should vote "yea."

Mr. JONES (when his name was called). The junior Senator from Virginia [Mr. SWANSON] is detained from the Chamber on account of illness. I am paired with that Senator for the day, and therefore withhold my vote.

Mr. MYERS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. McLEAN], who is absent. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], and therefore withhold my vote.

While on my feet I desire to announce that my colleague [Mr. SIMMONS] is detained at home on account of sickness.

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REEB]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

The roll call was concluded.

Mr. TOWNSEND. I desire to announce the absence of the senior Senator from Wyoming [Mr. CLARK] and his pair with the Senator from Missouri [Mr. STONE].

Mr. JAMES. I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. CURTIS. I desire to inquire if the junior Senator from Georgia [Mr. HARDWICK] has voted?

The PRESIDING OFFICER (Mr. BRYAN in the chair). The Chair is informed that he has not voted.

Mr. CURTIS. I transfer my pair with that Senator to the senior Senator from Idaho [Mr. BORAH] and vote "yea."

I desire to announce while on my feet the absence of the Senator from Connecticut [Mr. McLEAN] on account of illness. He is paired with the Senator from Montana [Mr. MYERS]. I will let this announcement stand for the day.

I also desire to announce the absence of the Senator from Ohio [Mr. HARDING] on account of illness in his family, and will let this announcement stand for the day.

I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Mississippi [Mr. VARDAMAN].



Mr. SMITH of Maryland. I am paired with the Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

The result was announced—yeas 23, nays 26, as follows:

## YEAS—23.

Beckham	Kern	Norris	Smoot
Curtis	La Follette	Oliver	Thomas
du Pont	Lane	Page	Townsend
Fall	Lodge	Polindexter	Townsend
Johnson, S. Dak.	McCumber	Robinson	Watson
Kenyon	Nelson	Shafroth	

## NAYS—26.

Ashurst	Fletcher	Myers	Smith, Md.
Brandeggee	Hollis	Pittman	Thompson
Broussard	Hursting	Pomerene	Tillman
Bryan	Jamess	Ransdell	Walsh
Chamberlain	Lewis	Saulsbury	Williams
Chilton	Martin, Va.	Sheppard	
Culberson	Martine, N. J.	Shields	

## NOT VOTING—47.

Bankhead	Gore	McLean	Smith, Mich.
Borah	Gronna	Newlands	Smith, S. C.
Brady	Harding	O'Gorman	Sterling
Catron	Hardwick	Overman	Stone
Clapp	Hitchcock	Owen	Sutherland
Clark	Hughes	Penrose	Swanson
Colt	Johnson, Me.	Phelan	Underwood
Cummins	Jones	Reed	Vardaman
Dillingham	Kirby	Sherman	Warren
Fernald	Lea, Tenn.	Simmons	Weeks
Gallinger	Lee, Md.	Smith, Ariz.	Works
Goff	Lippitt	Smith, Ga.	

So the amendment reported by the committee was rejected.

Mr. THOMAS. Mr. President, when this amendment was reached last week I took occasion to congratulate the committee upon the fact that it appeared in the general surrounding of increases like an oasis in the desert. I now must retract my congratulations, because the Senate has seen fit—the chairman of the committee himself voting in favor it—to recede from the Senate amendment, so that the sum of \$8,000 is devoted by this bill to the Seminole Indians of Florida.

It is true that the department only asked for \$5,000. It is also true that of the previous appropriation \$1,701 was not expended. Notwithstanding these facts, however, the Senate has determined to force the sum of \$8,000 into the reluctant hands of the bureau for this purpose. Florida is to be congratulated in that it again assumes its position as equal among the States, and no discrimination is made in this bill against it.

I think an amendment should now be offered providing for the expulsion from the public service of this agent who had the temerity to save \$1,701 out of the appropriation of last year. That, Mr. President, is an example which, if persisted in, will lead to reductions in appropriations hereafter that may possibly put us along the road to retrenchment. It is a conspicuous instance of official incompetency, and should be censured severely, if not punished by dismissal.

Mr. FLETCHER. Mr. President, I am not going to discuss the matter at all. I simply wish to call attention to the fact that the Senator has overstated the unexpended balance as reported—he gave it as \$1,701, whereas it is \$1,301—and that the last year's appropriation did not become available until the 1st of July, 1916, and that perhaps that is the reason for this.

Mr. THOMAS. Mr. President, let me say, if the Senator will permit me, that I am sorry if I did this official the injustice of overstating the amount of his saving. I used the figures which were put in the Record by the Senator from Kansas [Mr. CURTIS] on Saturday. I wish to apologize to the official for making the overstatement of \$400.

Mr. FLETCHER. That matter was all gone over Saturday, and of course I shall not take up the time of the Senate in discussing it now. The fact is, as I say, that the appropriation for last year was available on the 1st of July, 1916. The year has not yet expired. This appropriation will not become available until the 1st of July, 1917.

I should like to commend the spirit of economy and efficiency on the part of the agent, Mr. Lucien A. Spencer, who has been, in my judgment, a most excellent one; but there is no reason for the contention that because there was an unexpended balance when this estimate was put in last year the entire appropriation for last year was not needed at the time. It was needed, and the amount undoubtedly will be consumed in a proper way by the time the present appropriation is made available—July 1, 1917. Another reason that I gave on Saturday is that this agent is a chaplain in the Army, and has been absent on the border for some months, and has not been able to carry on the work as diligently as he otherwise might have done.

I simply wish, however, to refer to the discussion that was had on Saturday and leave the matter there, adding only a letter

that I have from the agent, Special Commissioner L. A. Spencer, dated December 10, 1915, showing the character of the work that was being done. I ask to have the letter printed in the Record.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES INDIAN SERVICE,  
Miami, Fla., December 10, 1915.

Hon. D. U. FLETCHER,  
United States Senate, Washington, D. C.

MY DEAR SENATOR FLETCHER: When the work among the Florida Seminoles was started on March 1, 1913, they were an uncivilized tribe the members of which steadfastly refused to adopt our customs, speak our tongue, except when absolutely necessary, or be bound by any but tribal laws.

The tribal laws forbid any member of the tribe attending school on penalty of having the ears cut off.

White doctors were barred from practice except by special tribal permission, and no Indian was permitted to work for white people without permission from his subchief.

In summing up the work of the past two and one-half years and noting the advance made, I would respectfully call your attention to the fact that a large number of the Florida Seminoles now recognize the United States Government and salute the flag. At a celebration held last spring at Fort Lauderdale, Fla., the color bearer in the parade was a full-blood Florida Seminole.

The Indian Office furnishes a white doctor, hospital accommodations, and medicines to sick Indians, and it is accepted by them. The tribal medicine men are recommending it. The medicine man of one clan has had every member examined for hookworm, and took the first treatment himself to set an example.

The ban on education has been removed, and while no compulsory system has been adopted we have four boys and four girls attending white schools. When we take into consideration the close supervision of females exercised by the tribe, the fact that girls are permitted to attend a white school shows in itself a marked advance in the work.

About 30 per cent of the Florida Seminoles have now adopted the dress of white people.

A large number of Indians have expressed a desire to move to reservation lands and, giving up the old life, become farmers. The Indian Office holds about 25,000 acres of land for these Indians, and if an appropriation sufficient to cover the cost of ditching, fencing, and starting farming operations were made I am sure that the Indians moving there would soon be self-supporting.

Indians are now allowed to work where they desire without securing permission from their subchief. In this way I have secured employment for needy Indians and kept them self-supporting.

Special attention during the past year has been paid to the illicit sale of liquor to Indians. Several Indians have volunteered to aid in this work, and of the several arrests made a conviction has resulted in every case. While there is much to be desired in the matter of drunkenness, yet the active interest taken by many of the most influential Indians to suppress the liquor traffic shows marked advance in this as well as other lines.

Respectfully submitted.

LUCIEN A. SPENCER,  
Special Commissioner and S. D. A.

Mr. WALSH. Mr. President, I desire to say that I voted under an entire misapprehension as to the character of the motion before the Senate. I was under the impression that the motion was to reconsider the action of the Senate in agreeing to the amendment. I am now informed that that motion had been disposed of, and that the pending motion was to disagree to the Senate amendment.

Mr. SMOOT. No; to agree to it.

The PRESIDING OFFICER. The vote came up on the question whether or not the Senate amendment should be agreed to.

Mr. WALSH. I assumed that the motion was to reconsider. I would have voted otherwise had I known the exact situation; but I will allow my vote to stand, simply because the result will not be changed.

Mr. SMOOT. Mr. President, just a word. All of the increases so far have been defended by the Senator having the bill in charge on the ground that they have been estimated for, and that the Commissioner of Indian Affairs stated that the amount was necessary. Now, when it comes to this item—the only item of reduction in the bill—the Senator having the bill in charge pays no heed to the estimate that was made, and pays no heed to the recommendations of the Commissioner of Indian Affairs, and votes for an increase, more than recommended by the commissioner and more than was estimated for.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. SMOOT. I simply want to say to the Senator that I hope next time when an increase comes up he will not cite me to the fact that there was an estimate for it, and also to the further fact that the Commissioner of Indian Affairs feels that the increase ought to be granted.

Mr. ASHURST. Mr. President, if the distinguished Senator from Utah is attempting to be facetious, I have no quarrel with him. If he is attempting in any way to censure me—

Mr. SMOOT. No.

Mr. ASHURST (continuing). Or to ask me to give any reason for my vote, he will get a reply he might not wish to hear. I voted according to the lights before me. As I say, if the Senator



is facetious, I have no quarrel with him; but if he intends to censure my vote I will have a quarrel with him.

The PRESIDING OFFICER. The Secretary will resume the reading of the bill.

Mr. CLAPP. Mr. President, I was necessarily absent on Saturday morning, when we passed over Minnesota. As we have disposed of the item under consideration when we adjourned on Saturday, if there is no objection, I suggest that we resume the consideration of the bill on page 30.

The PRESIDING OFFICER. The Senator from Minnesota requests unanimous consent to return to page 30. Is there any objection? The Chair hears none.

The reading of the bill was resumed, beginning on page 30, line 4.

The next amendment was, under the head of "Minnesota," on page 30, after line 4, to strike out:

Sec. 8. For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, \$39,175; for general repairs and improvements, \$7,000; for domestic science cottage, \$5,000; for addition to hospital, \$6,000; for central heating plant, \$16,500; for setting out trees, \$500; for road and drainage, \$1,000; in all, \$75,175.

And insert:

Sec. 9. For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., including pay of superintendent, \$39,175; for general repairs and improvements, \$7,000; for domestic science cottage, \$5,000; for addition to hospital, \$6,000; for central heating plant, \$16,500; for setting out trees, \$500; for road and drainage, \$1,000; in all, \$75,175.

Mr. SMOOT. Mr. President, may I ask the Senator from Minnesota if all these items have been estimated for?

Mr. CLAPP. No, sir; they have not been. I was out there myself and studied the situation there. I will say to the Senator that we formerly had two schools in Minnesota. It seemed to me that one would be sufficient, and I had the other abated some years ago, so as to save the expense of two schools. This one is a growing school.

As to the item of trees, of course I would not say that it was necessary; it was not estimated for, but the school is some distance from the city. It is on a sort of a treeless plain, and it struck me that \$500 would not be a wasteful expense to beautify the place to the extent of setting trees along that highway from the school to the town.

Mr. SMOOT. I notice that the increase is \$30,000.

Mr. CLAPP. Yes.

Mr. SMOOT. I wondered whether it was estimated for or whether the Commissioner of Indian Affairs had requested these appropriations.

Mr. CLAPP. The trouble about the Commissioner of Indian Affairs is this: Of course, the suggestion goes down the line to cut all estimates. The agents are somewhat restricted in making their requests, and the consequence is that some of these were not estimated for, and especially the item for the trees.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 32, after line 6, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches made under the laws of the State of Minnesota upon the tribal and allotted land of the Indian reservations in the State of Minnesota. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against said tribal and allotted lands. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, to be reimbursable from any funds belonging to the individual allottees, or their heirs, from any funds belonging to the tribes subject to be prorated, in the discretion of the Secretary of the Interior. That the Secretary of the Interior be, and he is hereby, authorized to approve deeds for right of way from such said allottees, or their heirs, as may be necessary to permit the construction and maintenance of said drainage ditches upon the payment of adequate damages therefor: *Provided*, That no patent in fee shall be issued for any tract of land under the terms of this paragraph until the United States shall have been wholly reimbursed for all assessments paid or to be paid on such tract under the terms hereof. That the Secretary of the Interior is hereby authorized to do and perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions hereof into force and effect.

The amendment was agreed to.

The next amendment was, on page 33, after line 13, to insert:

The Secretary of the Interior is hereby authorized to take \$5,000 of the tribal funds of the Chippewa Indians in the State of Minnesota and pay the same to the proper authorities toward the construction of a bridge on Cass Lake Reservation upon the condition that the Forestry Service contributes \$10,000 and the local authorities, State or county, contribute \$10,000 toward the building of said bridge.

Mr. JONES. Mr. President, I should like to ask the Senator from Minnesota about that paragraph. Why do we put in there the stipulation that this money shall be taken on condition that the Forestry Service contributes \$10,000? The Forestry Service can not contribute any money like a private individual.

Mr. CLAPP. Mr. President, it can not do so directly; but the situation is this: Here, in the first place, is the Indian reservation. Then comes the forest reserve, through which this road passes; and then on each side of the Indian reservation, of course, are the counties. Now, while the forest reserve, of course, has no funds, the Forestry Bureau, by appropriation, will have to secure the \$10,000. We felt that we ought not to take more than five of the twenty-five thousand dollars from the Indian fund. If Congress does not make an appropriation from the Federal Treasury of \$10,000, then the appropriation of \$5,000 from the Indian fund, of course, fails.

Mr. JONES. Why not make a direct appropriation here out of the funds that may be available for the Forestry Service?

Mr. CLAPP. Because this is not the proper bill.

Mr. JONES. We ought not to have a condition like this, then, in this bill.

Mr. CLAPP. Why, certainly. This condition simply applies to the \$5,000 of the Indian fund.

Mr. JONES. I will suggest to the Senator that in my judgment we ought not to make an appropriation conditioned upon our making some other appropriation at some other time or in some other way.

Mr. CLAPP. We are not. We are taking out of the Indian fund \$5,000 upon condition that Congress may hereafter appropriate \$10,000 from the general fund of the Government. This would not be the place, it seems to me, to make an appropriation of \$10,000 out of the Treasury on account of the Forestry Bureau. That should properly come in the Agricultural bill.

Mr. JONES. Then, it seems to me, we ought not to say anything about it here. We ought not to take one sum of money from one fund with a condition that some other branch of our own Government shall appropriate some money. If we think it ought to be done, we ought to appropriate it.

Mr. ASHURST. Mr. President—

Mr. CLAPP. But, if the Senator will bear with me while I explain the matter, this is the only bill in which the taking of part of the fund of the tribe would be appropriately located.

Mr. JONES. Oh, I agree with that. That is true.

Mr. CLAPP. My colleague and myself have talked over this matter, and we feel that it would be perfectly just, in view of the conditions up there, to take \$5,000 of their fund as a contribution to a \$25,000 bridge. We do not here appropriate the \$10,000 on behalf of the State, either.

Mr. JONES. Oh, certainly. That is something beyond our control.

Mr. CLAPP. It is legislatively beyond our control—or, rather, out of the purview of the bill—to make the appropriation from the General Treasury in this bill. I think we would have been criticized if we had put it in here.

Mr. ASHURST. Mr. President, if the Senator will yield to me, the correction that ought to be made is to strike out "Forestry Service" and insert "Government of the United States"; also to strike out the word "contribute," on line 19, and insert "appropriates," so that it will read:

Upon condition that the Government of the United States appropriates \$10,000.

Then it will be correct.

Mr. CLAPP. That would leave the matter just as it is. I took up with the officers the question as to whether they would be warranted, under this language, in applying the \$5,000 in case the other two \$10,000 items were applied; and it is to meet their view on that question that this language was used.

Mr. JONES. I want to make this suggestion to the Senator: As I understand, we have a general law under which the Forestry Service has available a certain percentage of the receipts from sales in the forests of the country.

Mr. CLAPP. Yes.

Mr. JONES. They can distribute that percentage in the different forest reserves themselves, without any additional act by Congress.

Mr. CLAPP. Yes.

Mr. JONES. Now, they would take \$10,000 under this provision, without waiting for Congress to appropriate.

Mr. CLAPP. I do not know whether they would or not. If they would, then the Senator's criticism that it is not all in this bill fails.

Mr. JONES. No; that is not the criticism. The criticism is that the legislative branch of the Government is taking a certain amount of money and making it available upon condition that some other branch of the Government itself shall contribute like an individual, putting it on the basis of an individual contributing an amount of the public money. If we are going to have this money available for this purpose, we ought



to say so ourselves, and not leave it to the discretion of some bureau.

Mr. CLAPP. We ought to say so; but we ought not, it seems to me, to say so in this bill. I should be very glad, indeed, if no one would object, to cover the entire provision by this bill.

Mr. JONES. That is exactly what we are doing, in an indirect way, in this bill.

Mr. CLAPP. I do not think so.

Mr. JONES. As I say, the Forestry Service, as I understand, under a general law, can apportion moneys that it receives from the sale of timber for forest reserves; and now we propose to say here: "If you see fit to use for this purpose \$10,000 of the money that comes into your hands, no matter whether by direct appropriation or under general law, you can do it." I do not think we ought to put a condition like that in a bill with reference to a bureau of the Government that is using the people's money. It is all right for us to say that we will take this \$5,000, provided the State or the county or some individual will contribute a certain amount of money. That is all right, but to say that we will use this \$5,000 if we ourselves will contribute, it seems to me, is something that ought not to be put in a legislative provision. If you want to have it read, "Provided, That there shall be made available hereafter, in appropriations made for the Forestry Service, \$10,000 for this purpose," I make no objection.

Mr. CLAPP. Then, at the Senator's suggestion, I move to amend the language so as to conform to the suggestion just made.

Mr. JONES. That the Secretary of the Interior is hereby authorized to take \$5,000 of the tribal funds of the Chippewa Indians in the State of Minnesota upon the condition that Congress shall hereafter appropriate \$10,000 to be contributed to the Forestry Service.

Mr. CLAPP. I have no objection to that.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. On page 33, lines 18 and 19, strike out the words "upon the condition that the Forestry Service contributes \$10,000" and insert "upon the condition that Congress shall hereafter appropriate \$10,000 to be contributed to the Forestry Service."

Mr. SMOOT. After naming the amount should we not say for this purpose? They may contribute \$5,000 for another purpose.

Mr. CLAPP. For the purpose aforesaid.

The SECRETARY. "Upon the condition that Congress shall hereafter appropriate \$10,000 to be contributed to the Forestry Service for the purpose aforesaid."

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

Mr. JONES. Now, I want to ask the Senator from Minnesota this question: It says that the Secretary of the Interior is authorized to take this \$5,000 "and pay the same to the proper authorities." Who are the proper authorities?

Mr. CLAPP. It might not be possible in anticipation to say who are the proper authorities. At present I presume it would be the board of highway commissioners of the State. Our State, as all States, constantly change the laws with reference to the more expensive highway projects, and in order that we may anticipate any change in the law by the legislature the words "the proper authorities" are used. I submitted the matter to the Indian Office, and they said they were satisfied that that would cover sufficiently the authorization.

Mr. JONES. Suppose that after we contribute this \$5,000 they find that \$25,000 is not enough to build a bridge. Then, what will happen to the \$5,000?

Mr. CLAPP. They will hardly do that.

Mr. JONES. I think frequently we have estimates for building structures that come far below the actual cost.

Mr. SMOOT. May I suggest to the Senator that there have been in the Indian appropriation bill many times appropriations for building bridges within Indian reservations, and, as I remember, in every case the Secretary of the Interior has been authorized to build the bridge?

Mr. CLAPP. He could not be authorized in this case. We have to-day a law in our State under which we have a commission of State highways. They are laying out one of the principal highways from Duluth westward through this reservation, and it involves this forest reserve which we have established. In order that this might apply with a view to any possible changes in the State law I took it up with the Indian Office to see whether it would be workable with this language, and it was thought that it would.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the Indian appropriation bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. SMOOT. May I ask the Senator if Cass Lake Reservation is a forest reserve or an Indian reserve?

Mr. CLAPP. Cass Lake Reservation is primarily an Indian reservation.

Mr. SMOOT. That is what I thought.

Mr. CLAPP. Then we carved out of Cass Lake, the Winnebagoish Reserve, a forest reserve. This road will be partly on the Indian reservation and partly on the forest reservation.

Mr. SMOOT. Where is the bridge that is to be built located, on the Indian reservation or on the forest reserve?

Mr. CLAPP. It will be on the Indian reservation, of course.

Mr. SMOOT. If it was in the forest reserve, I think under the present law with the money appropriated for roads in forest reserves the bridge would be provided for, but not if it is in an Indian reservation.

Mr. CLAPP. I think the particular locus of the bridge is outside of the forest reserve, but I would not be positive about it.

Mr. NELSON. My impression is that it is outside of the forest reserve and on that part of the reservation which is an Indian reserve.

Mr. CLAPP. That is my impression.

Mr. NELSON. My colleague is correct in this. There was originally an Indian reservation known as Cass Lake Reservation. There was considerable pine timber on it, and that portion with the pine timber was set apart as a forest reserve, and interlocked, side by side, with the forest reserve is a part of what was the Indian reserve. This highway perhaps goes through both reserves, but I think the bridge is on that part which still remains an Indian reservation.

Mr. SMOOT. I was going to say to the Senator that if the bridge to be built is located on the forest reserve, I think the wording of the amendment would justify the Forestry Service in expending the \$10,000, if in the judgment of the Forester he thought proper, because he has the authority now to expend certain money for building roads in forest reserves. However, I think if the bridge is on the Indian reservation, of course the wording is unfortunate.

Mr. JONES. Mr. President, it seems to me that if the bridge is to be built on an Indian reserve the Secretary of the Interior is the proper person to have charge of its building, and he can build it in any way he wants.

Mr. CLAPP. I do not think under the State law it could be done in that way.

Mr. JONES. Does the State law supersede the authority of the Secretary of the Interior over an Indian reservation?

Mr. CLAPP. No; of course, we can authorize the Secretary of the Interior to build a bridge in any Indian reservation, but we want \$10,000 for this bridge to come from the State and county authorities, and under the State law the commission must have charge of the construction of the highway, which includes the building of the bridge. I can not see why there should be any objection on that score.

Mr. JONES. My recollection is that in appropriations of this kind heretofore we have provided for the construction of bridges on condition that certain State authorities would contribute so much, to be expended by the Secretary of the Interior for the construction of the bridge instead of turning the money over to the local authorities.

Mr. NELSON. Mr. President—

Mr. JONES. I yield to the Senator from Minnesota.

Mr. NELSON. This is not merely for the purpose of building a bridge for the convenience of the Indians of the Indian reservation. This is a State highway from Duluth in a western direction through the State, and the highway has to cross this water-course. It is really one of the headwaters of the Mississippi River. Most of the money will undoubtedly be contributed by the State, and therefore it is proper that it should have control of building the bridge under all the circumstances, because the bridge is not what you might call a local bridge, such as for a reservation, but we have a big State highway and the whole northern part of the State is interested in it.

Mr. JONES. As I said, primarily this is a State road, not for the benefit of an Indian reservation at all. The Indians



will get possibly some little incidental benefit from the construction of the bridge, but it is necessarily a part of the State highway. The Indians possibly are indifferent whether the bridge is built or not.

I wish to say that I am glad to have this matter presented in this way, because I have a proposition of this very kind that is being urged now. Our people want to build a State road from North Yakima over to the Columbia River. It goes across the Yakima Indian Reservation. My people are urging that we should get some Indian money to assist in the construction of this State highway. They are putting it largely upon the ground that it will be a benefit to the Indians, however, and a benefit to the Indian reservation. Of course, as a matter of fact, they want to get the State highway built there, and they want to have a contribution toward the building of the bridge from the Indian fund. I will be very glad indeed to have a precedent like this established, but I want the Senate clearly to appreciate the situation, so that when I bring my proposition here I will have something back of it more than the general argument with reference to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 33, after line 20, to insert:

The Secretary of the Interior be, and he hereby is, authorized to pay, out of any funds belonging to the Chippewa Indians in Minnesota, such amount or amounts as he may find to be due any person by reason of his or her name having been omitted erroneously from the rolls.

The amendment was agreed to.

The next amendment was, at the top of page 34, to insert:

That the sum of \$6,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of the State of Minnesota, is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minn., beginning July 13, 1917, pursuant to the constitution of the general council of said Chippewa Indians of Minnesota, organized in May, 1913, and to pay the actual and necessary expenses of the members of the executive committee of said council when attending to the business of the tribe and to pay the expenses to Washington during the second session of the Sixty-fourth Congress of the legislative committee appointed by the president of said council, and to pay the expenses to Washington during the second session of the Sixty-fourth Congress of the delegation appointed by a council held on the Winnebago Reservation, January 2, 1917, and to pay the expenses to Washington of the delegates elected by the council of the White Earth Bands of the Chippewa Indians of Minnesota, held at White Earth, Minn., December 1, 1916, to visit the city of Washington to represent the said bands and the Chippewas of Minnesota generally before the departments and Congress during the second session of the Sixty-fourth Congress, including the sum of \$337.44 of the expense of William Madison and Gus H. Beaulieu in Washington, from March 18 to May 25, 1916, inclusive, said sum to be immediately available, and said expense of holding the general council to be approved by the president and secretary of the general council and certified to the Secretary of the Interior and, as so approved and certified, to be paid; and the expenses of the delegates to Washington to be paid upon certification by each delegate of his actual and necessary expenses, when approved by the Commissioner of Indian Affairs. The Secretary of the Interior may authorize an inspector or special agent to attend the future sessions of said general council and conventions to which delegates therefor are elected.

The amendment was agreed to.

The next amendment was, on page 36, line 2, after the word "employees," to strike out "\$50,000" and insert "\$75,000," so as to make the clause read:

For support and civilization of Indians at Blackfeet Agency, Mont., including pay of employees, \$75,000, to be immediately available.

Mr. SMOOT. May I ask the Senator having the bill in charge if the \$25,000 increase in this item was estimated for?

Mr. ASHURST. In reply to the Senator from Utah, if my memory serves me correctly—I have not turned to the House or Senate hearings—I think the estimate was for \$100,000. The Senate committee, after a full hearing, believed that \$75,000 was necessary. The House hearings on the subject appear on page 173.

Mr. SMOOT. The House provided \$50,000, and the Senate committee increased the appropriation from \$50,000 to \$75,000.

Mr. ASHURST. That is true. I wish to state that the estimate is \$100,000.

Mr. LANE. On what page of the hearings is that, if the Senator please?

Mr. ASHURST. At page 173 of the House hearings the matter is discussed before the House committee.

Mr. LANE. I understood that Mr. Meritt offered a full justification. He says the amount asked for is \$100,000.

Mr. JONES. Why should this appropriation be made immediately available? Did we not have an appropriation for the current year?

Mr. ASHURST. The language to be made immediately available was believed to be necessary by the commissioner and the committee.

Mr. JONES. What I wanted to inquire was if it is necessary?

Mr. ASHURST. So that they could use it at once.

Mr. JONES. Why do they need it at once?

Mr. LANE. I will answer that if the chairman will allow me. The Indians on the Blackfeet Reservation are said to be starving.

Mr. JONES. Did we not make an appropriation for the current year?

Mr. LANE. We did. They were going hungry last year, and they will go hungry next year. They were going hungry the year before last, and will continue to do so until they are better cared for.

Mr. JONES. We did not appropriate enough money?

Mr. GRONNA. If the Senator will allow me, we appropriated only \$25,000 last year.

Mr. JONES. That was not enough.

Mr. GRONNA. It was not enough.

Mr. JONES. So this is really to take care of a deficiency that is absolutely necessary?

Mr. LANE. I do not know whether it is a deficiency or not, but I want to call attention to what became of the appropriation, not reflecting on anyone in the least.

The first item is for support and civilization of the Blackfeet Indians. If you will look over the items for a justification, you will find the amount expended was nine thousand and some odd dollars, for salaries and wages of agents, and they are whites.

That does not feed the Indians a mouthful.

Traveling expenses, \$110.

That did not go to the Indians.

Transportation of supplies, \$971.

That may have in part benefited the Indian.

Telegraph and telephone service, \$92.42.

Subsistence supplies, \$2,387.67.

Out of \$25,000.

Fuel, illuminants, lubricants, etc., \$1,238.

I have an idea the Indian did not get any of that. He hustles for his own fuel.

Medical supplies, \$49.19.

There is a tribe of Indians, a large majority of whom are ill from trachoma or tuberculosis, or both, and other diseases and subject to all the ills of ordinary men, and the amount expended for medical supplies was \$49.19.

Implements, vehicles, tools, etc., \$102.79—

To supply him on his farm so that he may become self-supporting—

Sundry supplies, equipment, etc., \$73.73.

Seed, \$229.17.

Miscellaneous, \$20.81.

In respect to the Seminoles, among the Florida items on page 151, who are said to be in a state of destitution, it is also said of them that they are about the only real aboriginal tribe of Indians left, being outdoor people who made their living by hunting and fishing until repeating shotguns were adopted by the whites, and not by any art or trade or science taught to them by white men. If you make an analysis of the expenditures which are furnished here, you will find on page 152 of the House committee hearings for this session the following statement:

Salaries and wages, \$376.

Traveling expenses, \$125—

I am leaving out the cents—

Subsistence supplies, \$54—

For a starving tribe of 578 Indians. Apparently they are solving the question of the high cost of living. They have acquired an art which all nations are now trying to learn, which is how to evade the high cost of living. Here is a whole tribe of people of 578 Indians who subsist for a year on \$54.08. We ought to hire some of them to come up and tell us how they do it and teach us, and to go elsewhere and teach others. They have got it down to the finest point I have heard of.

Dry goods, wearing apparel, etc., \$24.24—

To keep them warm, I suppose.

There is another good item of useful information for 578 people.

Medical supplies, 55 cents.

They have got that down to a point that would please the senior Senator from California.

Educational, stationery, and office supplies, \$72.20.

Hospital and medical expense, \$78.60.

Now, you see what the Indians get out of those items of support and civilization. It is the same, practically, and does not vary much from that of any of the tribes of Indians.



That is why I said the other day that this sort of system, so far as the Indians are concerned, ought to be changed. It does not reflect well upon the greatest legislative body of the world to have the people fooled by such a scheme.

It would be tiresome if I called your attention to any more of such appropriations; and what good does it do? One might just as well go out the door there and whistle down the east wind. It seems to be useless. It is almost heartbreaking. The whole scheme is founded upon bureaucratic methods which have grown upon the country and upon the Indians, with damage to the country to the extent of as much money wasted out of the National Treasury, and it has almost utterly ruined the Indians. It has left them helpless; it has confined them to a reservation in the bounds of a district fixed on purpose for their use for the reason that it had no value to the white man. They did that years ago. They put the Indian off into a far corner which was useless to him at the time, and he is now confined there. He has no help of any practical value; he is left to rot. No inspector who visits them, as I said the other day, dares make public the facts as he finds them.

I am not criticizing the officials for it. It has grown upon them until they have lost their bearings. Our administration perhaps is as good as yours was, and if you get back into power yours will be no better than ours unless you change the system. There can be no success until the system is changed. A good superintendent is no better off than the dependent nincompoop relative of some one who has had influence enough to get him appointed to that or some other place in the employment of the bureau. They have no right of initiative. If an Indian wants to buy a plow or put in 40 acres, we will say, of wheat in a country which will raise wheat, the request will be forwarded to Washington, and before the seed or the plow get back to the Indian in order to enable him to put in a crop the season has quite frequently passed, so long does it take to get supplies to him; the season has passed, the Indian is discouraged, and is rated as an incompetent. I have seen lands which were irrigable and on which water could be made to flow with a few days' work in ditching, and where the Indian had received assurance that he would secure water on it. The land was tilled, the seed sown, and before the water was given to him his crop dried up and died, and after it was dead and of no value the water came in a sufficient quantity to have raised him a crop and made him comfortable for the year if he had received it in time.

I was reading an article the other day which some one handed me, apparently an open letter to Congress, if you please, on this same subject, and I am going to read it into the Record. I will say to the chairman of the committee that it is a long article, and I am going to read it slowly, and he had just as well look pleasant while I do so.

It is printed in the State, Columbia, S. C., Sunday, January 7, 1917. It gives the viewpoint of an unprejudiced man who has served in this work. The letter proves at least with what we know of the affairs of this Indian Bureau and our system of handling the Indians that the work is futile.

Mr. THOMAS. From what paper is it?

Mr. LANE. I am reading from a paper known as the State, published in Columbia, S. C., on Sunday morning a week ago. I have only a couple of pages of it here. I do not know what sort of a journal it is, or what its standing, but here is the statement of a man by the name of W. H. Gibbs, formerly inspector. The headlines of the article were, I assume, written by the person who edits the paper, and it states:

THINKS INDIAN PROBLEM NEEDS RADICAL METHODS—W. H. GIBBS, FORMERLY INSPECTOR, POINTS TO DEFECTS IN PLAN AND ADMINISTRATION WHICH MAKE GOVERNMENT'S MANAGEMENT HARMFUL RATHER THAN BENEFICIAL.

The open letter below relating to the Indian question has been addressed to the Secretary of the Interior and to the Indian Commission, at Washington, by Wade Hampton Gibbs, formerly Inspector of the Indian Service of the United States. It should receive the attention of men and women everywhere in the country who are interested in the welfare of the Indians. Mr. Gibbs was at one time auditor of Richland County and subsequently mayor of Columbia. He needs no introduction to the people of South Carolina.

Would there be any objection to my having the Secretary read the article? He is more familiar with an exercise of the vocal chords than I am.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the Chair). The Secretary will read as requested.

Mr. LANE. Or I will read it myself if there is objection.

Mr. SMOOT. There is no objection.

The Secretary read as follows:

COLUMBIA, S. C.

HON. FRANKLIN K. LANE, Secretary,  
HON. CATO SELLS, Commissioner,

Washington, D. C.

GENTLEMEN: Having entered the Indian Service as an inspector with a sincere desire and purpose to aid in its betterment, I feel impelled to

address you publicly with the same end in view. In the brief and only talk I had with Mr. Sells after appointment, he asked me to report upon the shortcomings of the office as well as of the field, and I have certainly done so according to promise, but have never had a word of approval or rebuke for the many radical faults I have found and reported in no uncertain terms.

At first, my field was supposed to be at large, but it was later limited to three States, Michigan, Wisconsin, and Minnesota.

In reporting my findings after full, careful, and close study of the 21 activities there, I do not wish to make any unkind criticism of men, for I have only the kindest feelings toward individual officers and employees in Washington and in the field. They tell me I saw the best of the Indian Service. If this be true, may Heaven help the worst.

In the matter of administration, I found the Washington office a stumbling block to the effective conduct of the agencies. The agent or superintendent on the ground, under heavy bond, is almost a puppet, hemmed in and limited by restrictions that leave little margin for the exercise of individual judgment and discretion.

This condition is evidently brought about by the slow, clumsy, and cumbersome movements of an administrative machine which has become topheavy through overgrowth, and inept through isolation.

Indian work in the field needs the prompt action on the field of an ever-present, alert, and sympathetic human body, brain, and heart, unhampered by perfunctory dictation of distant officials (oftentimes clerks), who, however able, can not grasp the issues of local emergencies. Each bonded superintendent should be a local executive in the full sense of the word with discretion limited only by reasonable business regulations designed to bring about the best and quickest results according to the approved experience of successful business affairs.

He should be the one to submit to Congress a report of his work and its needs which should not be left to languish through lack of proper understanding caused by failure of presentation by one acquainted with all the facts. A reading of the colorless statements before congressional committees is convincing on this point.

He should be allowed to take advantage of local markets, buying or selling, according to need and opportunity, when his affairs could be carried on with less labor, annoyance, expense, and delay than are incurred under present provisions, and the Government property in his hands could be much better cared for. There are few superintendents I have met who would be unable to measure up to the needed standards of ability and efficiency, and those few could be easily replaced.

Investigation will prove, I am sure, that the Indian missions conducted as here suggested discount the Government agencies in economy and equal them in efficiency.

The reduction in overhead expense in the Washington office and central warehouse alone would justify the change.

From association and contact with the Indian I have become convinced that his treatment by the Government is one of continued error heaped upon initial mistake. Originally segregated upon reservations in order to insure the safety of the whites who were thinly settled in outlying territory, the continuation of such a policy after the full attainment of its purposes has operated to delay the development, the amalgamation, and the civilization of the Indians in the fulfillment of their manifest destiny. This proposition is proved by the undeniable fact that those Indians who have cut loose from the Government have progressed far ahead of those who are still in serfdom as its wards.

This serfdom is a greater reproach to this Nation than was the slavery of the negro. The tenure of the title to his lands, and the holding of his funds by the Government, are sometimes used to coerce him into a compliance with Government requirements, thus sapping independence and undermining his character. Therefore, if there be decadence in the manhood of the old Indians thus treated the Government is responsible, and the Government owes support to those Indians it has ruined and education to their children to keep them from being ruined also. Its activities should stop there. The very plan of the Indian Office to encourage industry among the Indians by giving a few favored individuals the use of reimbursable funds without interest is an encouragement in the continuation of unbusinesslike methods.

Everywhere there are capable and competent Indians who ought to be free and independent citizens to-day, but usually the office keeps them chained to their stationary tribal members.

The proud, sensitive, high-strung Indian often feels that hope for him and his lies not on this side of the grave.

The young and middle-aged adult Indians should be given their land and money and made citizens of America, and citizenship should be conferred on the minors as fast as they reach maturity.

If any squander their heritage it will be no more than our white citizens do and usually the school of adversity alone confers a valuable civic education.

Turn such Indians loose now under some well-considered plan and they, humanity, and civilization will soon be the gainers.

The office at Washington tends to unify the Indian problem, whereas each reservation and tribe offers a clear, separate, and distinct problem in itself, and the solution of one by no means involves the solution of the other. How may this Government pose as a potential solver of the Philippine problem when it has failed and is failing with its own Indians?

The emancipated Cherokees of North Carolina and Oneidas of Wisconsin have done more for themselves than the Government has done for any Indian still enslaved under its wardship.

The commissioner's desire appears to be to uplift the Indians through the slow processes of governmental administration. He can not do so by such wornout shibboleths as "save the babies," while clinging to archaic administrative methods that block the well being and progress of the potential parents of the babies, and while transferring utterly unworthy employees from one reservation to another, in place of purging the service by their dismissal. Such a task is too great for him or any other human, for it is based upon an unfit foundation.

#### VIOLATION OF STATE LAWS.

For six months I have called attention to the probable fact that Indian Office school regulations were directly causing the violation of the child-labor laws of the States, but I have had no word of recognition of the matter. Will it be allowed to fall by default?

These reforms in the interests of our native Americans can not be properly effected from the inside. Therefore, I appeal to you men in high place to help solve them from the outside and to allow this thing to remain no longer a reproach to the Nation.

Congress should provide boards of efficiency experts to study the various Government bureaus and displace their old, cumbersome, expensive methods with proven modern business rules and regulations. The handicaps encountered by England in a time of stress should



warn America. Herein might be effected a saving of millions and a wonderful increase in the efficient dispatch of all public business.

My severance from the service is voluntary on my part, partly from a feeling of hopelessness in going after real, progressive reform through the heavy machinery of the Indian Office. If field workers could talk for publication as I know they feel in the main, my points would be overwhelmingly sustained. As a rule they are faithful workers, and distressingly underpaid.

The reasons for my conclusions may be found in the facts and details in my official reports which should be open to the public, which are susceptible of proof and have never been excepted to by the office though often of grave importance.

Entering the Indian Service in the belief that the Indian Office was designed and conducted as a benefaction to the race, I am leaving it convinced that it is the Indian's "Old Man of the Sea," who will try to cling around his neck in a strangle hold forever.

This letter is given to the public because to do so seems to me to be a public duty, and because essentially the same statements made officially have had no official reply.

Permit me again to state that my criticisms are of methods and not men, and my hope the welfare of a race. The American people should give the Indian problem their attention.

Very truly, yours,

W. H. GIBBES,

Formerly Inspector Indian Service, U. S. A., Columbia.

Mr. LANE. Mr. President, that was an honest inspector whose conscience would not permit him to remain in the service. If other inspectors were to tell the true conditions, except in confidence perhaps, they would be in fear of losing their positions.

I have here [exhibiting] a press book and a great many reports on Indian affairs, letters written to the department by a former inspector, which told the truth, which narrated conditions as they were. This was in the time of President McKinley's administration, and that inspector was dismissed from the service for meddling in affairs which were of a nature too tender for the bureau to listen to from a subordinate. That inspector was W. J. McConnell, ex-governor of Idaho. Any man who looks into the condition of the affairs of the Indians, or who will go among them and see it and listen to their statements, and will check against them, will find that the same deplorable condition is pretty general throughout the country. Their lands are leased without their permission, and they have no voice in such affairs. They are in many instances forbidden to hold councils with one another so as to come to an agreement as to the proper handling of their affairs. They are often, as I said the other day, forbidden to visit with one another, even with their own relatives in different parts of the same reservation; and in some instances they are jailed if they do visit with them without a written permit. I have one of those written permits in my possession.

There are Indians in this city to-day who are here to counsel with the Senate committee on the management of their affairs and the disposition of their property, who told me confidentially that they dared not tell us the facts as they exist; that they are in fear that they will be punished if they do; but they have asked that we of the committee bring it about in such manner that they will be compelled to state the truth as in a court, and then they will disclose to the committee the conditions of want and of suffering of their people. The Indian is held as a ward; his property is managed by the Indian Bureau as his or her guardian. The Indian may not buy or sell or move from his location without the consent of that bureau; he may not, in many instances, live in the old tepee, which was really a sanitary building, and which could be moved from place to place, away from insanitary conditions, but he is compelled to live in a hovel of one room, many such hovels being without windows, for the reason that the Indian has not the money to buy glass; and if he had, it would be too cold to live in in winter. He lives in a little box house, not a frame building, under conditions—well, it merely proves the Indians' enormous original vitality, that they are not all dead, that they have not died long since.

I will say—and sometimes these things are really laughable—that I was on one reservation where they were civilizing one Indian, among many others, and educating him. He had an allotment up in the mountains and he wanted to farm it, and made a request of the Indian Bureau, through the superintendent, for some farming implements. They answered his prayer by presenting him with four bales of barbed wire and a set of harness. Think of it! Think of going to farming, setting up a home on a farm armed with four bales of barbed wire and a set of harness, with no team, no plow, or anything else with which to work the ranch. His place was 35 miles from the agency; he could not carry the barbed wire on his back, and so he got one of the neighbors to carry it within about 11 miles of his place. The set of harness he hung up on the ridgepole on the outside of the cabin, as there was not room for it inside. That was the effort of the bureau to make a farmer of him; and right there we left him. I assume that he still has the barbed wire and that the harness probably has gotten into a pretty bad state of decay by this time. That was an individual instance.

The Indian Bureau entered into a scheme of raising cattle and in community herds—

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. LANE. I yield.

Mr. GRONNA. I should like to know if this Indian of whom the Senator from Oregon speaks was located on one of the irrigated reservations?

Mr. LANE. He was located on one of the irrigated reservations.

However, I desire to say, in justice to the Indian Bureau, and it is due to Senators from those States where large reclamation plants have been put in to say, that after you have established an irrigation or a reclamation system and leave it to the Indian to select his allotment, the land to be reclaimed lying on the level plains below the mountains is a place where the mountain Indians do not like to live. They like to be off up the stream, near the timber, near the headwaters of the stream. They do not, as a rule, select the more valuable allotments, but they take in preference those nearer the timber and where the game used to be.

This Indian was on one of those allotments well up into the mountains which had a stream flowing through it, and which could have been irrigated, but he could not make a farmer of himself with four bales of barbed wire and a set of harness. Anyone who has ever farmed would know how ridiculous that would be; and it would seem to him as if the superintendent had been playing a joke on him and had been guilty of an ironic treatment of his needs.

But take one of the other larger reservations, or take any one of them where they have issued cattle to the Indians. They bought a herd for one tribe—a tribal herd, as they call it—the I. D. herd, the Indian Department herd. On this reservation they have now about 15,000 head of cattle.

This statement has been made to me by Indians who live on the reservation, and I assume that it is accurate, for they are usually a truthful people. Their lands, consisting of hundreds of thousands of acres of good grass lands, are leased to cattlemen, who range their cattle and sheep upon them. Under the agreement with the lessee the Indians must in preference sell the Indian hay on the reserve to the lessee who is ranging his cattle on the reserve. The lessee pays for it, or has been paying for it during this winter, at prices ranging from four to five dollars a ton, and the lessees have the first bid on it. Outside the reserve, across the line, hay of the same sort sells for from \$8 to \$18 a ton, but it is too far for the Indians to haul it, and so the price is set and the measurement is made by the lessee. If incidentally the Indians' barbed-wire fence gets clipped some night, and the herd, consisting perhaps of 500 or 800 or 900 in a bunch, wander through the opening, very naturally the Indians will have no hay to sell, and when the lessee comes around to buy the cattle have already carried the hay off inside of them and it can not be measured. [Laughter.] The Indian, therefore, has nothing to sell, but the hay has gone to the lessee just the same and at a disastrous price to the Indian.

They tell me they have not been able to sell much of their hay to the bureau, but the bureau purchases hay elsewhere and pays a larger price for it. In other words, the Indian must sell his hay at the lowest possible price, while for the maintenance of his share of the community herd he is made to pay the highest price for hay. As a matter of fact, the cattle on that reservation are not on the reservation or even in the State at this time, but have been driven entirely out of the State. They had to be driven out of the State to keep them from starving to death, and they are now over in an adjoining State and not upon the reservation, for the reason that there is no grass upon which to subsist them, while at the same time thousands upon thousands—altogether 100,000—of the cattle of the lessees are ranging on the grass of the Indians, on their lands, at a remuneration to the Indians of, say, 10 cents an acre. The outlanders graze their herds on the Indian lands, which forces the Indians to rent grazing lands off the reserve, and even outside the State. This transaction is a good example of Indian Bureau business management. That is not an exception. There are other reservations—

Mr. OVERMAN. Mr. President, how much per capita does it require to take care of the Indians?

Mr. LANE. I suppose, as to the majority of them, about 10 cents per annum.

Mr. OVERMAN. I mean including administration expenses and everything else, how much per capita does it cost?

Mr. LANE. We spend annually about \$11,000,000 on them.

Mr. OVERMAN. What would that be per capita, according to the number of Indians?



Mr. LANE. Well, I have never figured it out; but the appropriations amount to between ten and eleven million dollars, and there are, say, 300,000 Indians, most of whom are denied any subsistence, for the reason that it is the theory of the bureau that the Indian must be made to become self-supporting. That would be a laudable purpose if the Indian were allowed to support himself, but he is restricted so that he has no opportunity to do so.

If you will look through the items in the bill providing for support, maintenance, and education of the Indians, you will find appropriations for balcksmiths and for one thing and another; and if you will check the figures over, you will find in many instances eight or ten thousand dollars for salaries, and, as in an item I quoted a while ago, allowances for subsistence of \$150 or \$400 or \$500. That is the way it goes. This bill is not for the Indian; this bill is neither for his support nor for his subsistence nor for his civilization, in the main. It is for any and all other purpose under high heaven than these.

Mr. JOHNSON of South Dakota. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. LANE. I yield.

Mr. JOHNSON of South Dakota. Mr. President, I understand that the Senator from Oregon is very familiar with Indian matters, and has been familiar with them all his life. I notice by the CONGRESSIONAL RECORD that up to 1915 there have been appropriated in Indian appropriation bills about \$220,000,000.

Mr. CLAPP. Mr. President, will the Senator from Oregon allow me to say a word there?

Mr. LANE. I yield to the Senator.

Mr. CLAPP. I will ask the Senator if he refers to the statement made by the senior Senator from Colorado [Mr. THOMAS]?

Mr. JOHNSON of South Dakota. I will answer that I do not know, as I have not been able to be in the Chamber during the debate on this bill until to-day.

Mr. THOMAS. Mr. President, I can answer that question. It was the Senator from North Dakota who gave me the information upon which I based the statement that something like \$250,000,000 has been expended in the last 20 years. I may have misquoted the Senator, but that is my understanding of what he said to me one day before going away.

Mr. CLAPP. That is evidently a mistake, because the present bill, which I think is the largest one, only carries about \$12,000,000, and 10 years ago I do not think the Indian appropriation bill ran over \$6,000,000. So it would not do to take the present bill and multiply it by 20 as the basis of the expenditures of 20 years. More than that, it must be borne in mind that a very large proportion of the amounts appropriated have been to provide for the payment of sums due under treaties and treaty obligations that could not be charged properly to the care and maintenance of the Indians. When the Senator from Colorado made that statement I was disposed to call attention to it, but did not do so.

Mr. JOHNSON of South Dakota. Mr. President, the figures which I have include the amount carried in the Indian appropriation bill each year since 1891. The totals have been added together, making an aggregate sum of over \$218,000,000. That does not include the 1915 appropriation bill, I believe; but I think the Senator from Minnesota will find the figures absolutely correct. I tried to make it correct, and I think he will ascertain the figures to be accurate.

What I wanted to ask the Senator from Oregon was how much real good he feels that the appropriation of that enormous amount of money has been to the Indians generally?

Mr. LANE. Mr. President, I beg the Senator's pardon; was he addressing me?

Mr. JOHNSON of South Dakota. Yes.

Mr. LANE. I have just been reading an item concerning the Apache, Kiowa, and Comanche Indians, on page 218 of the hearings of the Subcommittee on Indian Affairs of the other House. The Apaches and Kiowas have—I do not remember the exact figures—in the neighborhood of \$3,000,000. We appropriated, out of their funds for 1917, \$25,000, and an analysis of the expenditure shows the following:

Salaries and wages.....	\$19,314.10
Traveling expenses.....	368.29
Transportation of supplies.....	56.34
Heat, light, and power (service).....	545.80
Telegraph and telephone service.....	340.08
Subsistence supplies.....	8.36

It would be difficult to find a better illustration of the workings of the system than that. It may be a little extreme, and I do not want to be unjust, but that is somewhere about the proportionate rate and the proportionate amount of benefit and the proportionate amount of civilization and subsistence which the Indians get.

The bill is a humbug, if that language is parliamentary; but the appropriations and expenditures which our friends ought to criticize and make themselves merry with are the fixed and standing appropriations which give power to a certain bureau to execute their will, if you please, on the Indians. That bureau refuses to give the Indian the right to sue for either their rights or property in a court of justice; they can not employ such an attorney without the consent of the bureau, and that attorney must be one who meets with the bureau's approbation. The interest of the Indian is not considered in the matter at all; and what condition does that place the Indian in? It allows the defendant, the bureau, to select the attorney who is to prosecute it in court.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. LANE. I yield.

Mr. CLAPP. Mr. President, I hold no brief for the Indian Office, but the reason the attorney has to be approved by the department is because Congress has so decreed.

Mr. LANE. But Congress acted on the request of the bureau.

Mr. CLAPP. The Indian Office has no power to authorize a suit. That can be done by Congress alone, and, in the main, I have not found the Indian Office hostile to bills authorizing Indian tribes to institute proceedings when they have claims against the Government. It does seem to me that we ought not to blame the Indian Office for not doing things which it has no authority to do.

Mr. LANE. I want to say for the Senator's information that I have found the bureau doing that identical thing. It is a matter of record—and I will send and get it for the Senator if he is anxious to see it, and call his attention to it later—that they do object to the employment of attorneys and forbid the Indians or discourage them from bringing suit on just claims before the Court of Claims, and at times, I am reliably informed, refuse to pay the expenses of attorneys in cases where they attempt to do their full duty by the Indians. That is matter of common knowledge among attorneys, and must have come to the attention of the Senator, it seems to me, he having been on the committee many years.

Mr. CLAPP. It has, but the other fact has come to the Senator's attention, that Congress in the main lays down these restrictions.

Mr. LANE. But at the request and solicitation of the bureau. It has been done since I have been here.

Mr. CLAPP. Not in all cases.

Mr. LANE. In mighty nearly all of them.

Mr. CLAPP. It is very easy to find fault with the bureau, but they have to be governed by the laws that we pass.

Mr. JOHNSON of South Dakota. Mr. President, the only object I had in asking the question I did of the Senator from Oregon was to illustrate, as I understand, the immense amount of money that has been spent by this Government for a purpose that I do not believe to be of much benefit to the Indian. I want to ask the Senator from Oregon if he thinks that there will be any improvement in the Indian management as long as the present system exists?

Mr. LANE. In my opinion there will be no improvement.

Mr. JOHNSON of South Dakota. The statement made by the Senator from Minnesota [Mr. CLAPP] with regard to what the Indian Office has done is correct, so far as I know, and that is the very question that I am going to try to raise on this floor a little later on, to see if Congress will not recognize what they are doing, will not recognize that they are responsible largely for the condition of the American Indian to-day by passing these things over and ignoring conditions as they are.

Mr. LANE. I would reply that Congress—and I have said so at all times—is responsible for it; that it is responsible for creating a creature which flouts the laws it makes; that it has given power to its own creature to carry on the affairs of the Indians in a manner which means ruin to the Indians and an immense and unnecessary expense to the people of this country, which will eventually wipe the Indians out of existence, which hangs on their backs, as that inspector said whose letter was read awhile ago, like the old man of the sea, and I think will never let go as long as it can bring influence to bear on this body and the other one to continue its existence and its strangle hold on those people; that no good can come out of it; that no good ever did come out of it; that it is the wrong system.

The Indian, to begin with, was a man who was used to the utmost freedom of action, and went as far over the hills and plains as he dared go or until he met resistance from a hostile tribe. We locked him up, or, rather, we fenced him in on a limited area of land, given to him only for the reason that it was of no value to the whites—and, in our opinion, it never



would be of value to us or anybody else—and also in order to keep him where he could be guarded from attacking the whites in warfare; and the Indian never will come out of it with any advantage to him.

We give blanket grants to our creature—this bill contains many of them—to be exercised under such rules and restrictions as may be willed by the Secretary of the Interior, who receives his information from the Indian Bureau under him.

I have a bill which I will present after a while which was submitted by the Indians themselves for freeing them from these conditions; but we can never free them so long as we keep tying them into the existing conditions and adding power to the hand which holds them within its inefficient grasp.

Referring to the statement made by the Senator from Minnesota that the Secretary of the Interior is largely governed by the acts of Congress which prevent the employment of attorneys I will say that that is true; but the bureau always seeks the power. The other statement that he grants any freedom in the Indians' choice of attorneys in going to the Court of Claims with just claims is a matter about which I have my doubts. I say that for the reason that I presented here the other day a bill which allowed a certain tribe which thought it had been damaged to the tune of millions—and it has, and I believe it can be proven—and the Secretary made a report adverse to the employment of such attorneys in that case. I am told by a reputable attorney that as high as \$50,000,000 of Indian property was wasted and lost, too, and more is to come. They can not have an attorney; and here are the Crow Indians, whose lands were leased illegally and allowed to go to private persons for nothing to fortunate lessees without a cent of return, either to the Indians or to the Government; and they want to sue. Can they do it? Will you help them and support it? Will you help me in getting a bill through?

Mr. CLAPP. Why, Mr. President, I think it is one of the grotesque spectacles of our times that we assume the rôle of guardian, relegate the Indian to the rôle of ward, and then refuse the Indian access to a tribunal of our own creation.

Mr. LANE. I do, too.

Mr. CLAPP. I have no sympathy with that.

Mr. LANE. I am with the Senator on that.

The reading of the bill was resumed.

The next amendment was, on page 36, line 6, after the name "Montana," to strike out "\$20,000" and insert "\$30,000," so as to make the clause read:

For maintenance and operation, including repairs, of the irrigation systems on the Fort Belknap Reservation, in Montana, \$30,000, reimbursable in accordance with the provisions of the act of April 4, 1910.

The amendment was agreed to.

Mr. MYERS. Mr. President, was the last amendment acted on? I have not heard any ruling.

The PRESIDING OFFICER. The present occupant of the chair is informed that the amendment was agreed to when his predecessor, the Senator from Florida [Mr. BRYAN], was in the chair.

Mr. SMOOT. Was the amendment on line 6, page 36, agreed to?

The PRESIDING OFFICER. It was.

Mr. SMOOT. The amendment increasing the appropriation from \$20,000 to \$30,000?

The PRESIDING OFFICER. It was, while the present occupant of the chair was here.

Mr. SMOOT. I suppose that is in line with all the other increases, is it not?

Mr. ASHURST. Mr. President, that was estimated for at \$30,000. After considerable discussion, the committee agreed to it at \$30,000.

The PRESIDING OFFICER. Does the Senator from Utah wish to make further objection to the amendment?

Mr. SMOOT. No; there is no use in doing so.

The next amendment was, at the top of page 37, to strike out:

For the support and civilization of Rocky Boy's Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, \$5,000.

And insert:

For the support and civilization of the Rocky Boy Band of Chippewas, and other indigent and homeless Indians in the State of Montana, including pay of employees, \$10,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 2, to insert:

That the Secretary of the Interior is hereby authorized to expend the sum of \$22,400 from any money now available for construction of irrigation systems on the Blackfeet Reservation, in Montana, in the purchase of lands embraced in the allotments of George W. Cook and David La Breche, described as lots 3 and 5, section 27, and lots 1 and 2, section 34, township 32 north, range 13 west, together with all the improvements thereon, in consideration of the relinquishment by the allottees of all their right, title, and interest in and to said lands and improvements, and of their right to select lieu land under the provisions of section 14 of the act of June 25, 1910 (36 Stat. L., pp. 855, 859), and the release

of all their claims whatsoever against the United States or the Blackfeet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation.

Mr. SMOOT. Mr. President, a member of the committee asked me, if he should not be in the Chamber when this item was reached, to inquire in relation to the item and ask whether it was estimated for, whether there were any hearings in the House upon it, and whether there were any hearings in the Senate upon it.

The PRESIDING OFFICER. Can the Senator in charge of the bill supply the information?

Mr. ASHURST. Yes.

Mr. SMOOT. He stated that he knew nothing about it until he saw it printed in the bill.

Mr. WALSH. Mr. President, I venture to answer the inquiry of the Senator from Utah. The last appropriation bill carried this item.

Mr. SMOOT. It went out in conference, then?

Mr. WALSH. It went out in conference; and the justification for the item is found in the report of the committee.

Mr. ASHURST. At page 19.

Mr. WALSH. At page 19.

Mr. SMOOT. The report on this bill, or the report on the bill a year ago?

Mr. WALSH. This was on this item.

Mr. SMOOT. A year ago?

Mr. WALSH. In the bill of a year ago.

Mr. SMOOT. Will the Senator read for us what the justification is?

Mr. WALSH. I will read what is said here. This is a letter addressed to the chairman of the committee by the Secretary of the Interior under date of May 26, 1916, as follows:

MY DEAR SENATOR: Receipt is acknowledged of your favor of May 10 regarding Senate bill 5912, introduced by Senator WALSH, Sixty-fourth Congress, first session, to authorize the expenditure of \$22,400 in the purchase of lands, together with the improvements thereon, in the allotments of George W. Cook and David La Breche, allotted on the Blackfeet Reservation, Mont., which was needed in connection with the construction of an irrigation system.

It appears that the lands in question were selected by George W. Cook and David La Breche in allotment in 1909, and they afterwards constructed thereon a sawmill and other valuable improvements.

An order withdrawing these lands for the Lower Two Medicine Lake Reservoir was prepared and approved on January 21, 1911.

Subsequently the claimants brought suit in the United States District Court for the District of Montana, and on April 2, 1914, said court entered a decree in the case, holding that the selections of Cook and La Breche were valid of date not later than July, 1909, and that the order to withdraw these lands was void, and that the claimants, as allottees and owners in fee simple of the lands selected, were entitled to patents thereunder. This decree reads, as to both George W. Cook and David La Breche, as follows:

"And that he was, at the time of commencement of this suit, the owner of the said premises and entitled to the occupancy of the same without interference on the part of said defendants or anyone acting in their behalf, and that he is entitled to letters patent for said premises, as provided by law in such cases; that the said plaintiffs are also the owners of the sawmill and other improvements placed by them on said premises."

Subsequently an effort was made to arbitrate the matter by the payment of \$20,000. However, by reason of the fact that one of the items was a purchase of land for which specific authority of law is required, it was found impossible legally to effectuate the compromise. It was held that section 14 of the act of June 25, 1910 (36 Stat. L., 855), which reads: "That the Secretary of the Interior, after notice and hearing, is hereby authorized to cancel trust patents issued to Indian allottees for allotments within any power or reservoir site and for allotments or such portions of allotments as are located upon or include lands set aside, reserved, or required within any Indian reservation for irrigation purposes under authority of Congress: *Provided*, That any Indian allottee whose allotment shall be so canceled shall be reimbursed for all improvements on his canceled allotment, out of any moneys available for the construction of the irrigation project for which the said power or reservoir site may be set aside: *Provided further*, That any Indian allottee whose allotment or part thereof is so canceled shall be allotted land of equal value within the area subject to irrigation by any such project," was applicable.

Mr. Eugene C. Rowley, special supervisor of the Indian Service, under departmental instructions, held a hearing at Browning, Mont., on September 21, 1915, looking to the cancellation of trust patents issued to Messrs. Cook and La Breche under section 14 of the act of June 25, 1910 (36 Stat. L., 855), and compensating them as provided therein.

The testimony adduced at the hearing showed that the lands in question were not only extremely well located for sawmill purposes but that they possessed a peculiar value for chalet purposes.

Mr. Rowley, in summing up the entire testimony introduced, recommended that trust patents 1153 and 1155, covering the lands in question, be canceled and that the claimants in consideration of the relinquishment of their lands, cost of litigation, loss of capital, etc., be reimbursed in the amount of \$22,950.07, and that they be allotted lands of equal value elsewhere under the project.

In this connection attention is invited to the fact that the Indian appropriation act for the coming fiscal year as originally passed by the Senate contained an item for the payment of these damages. It was, however, stricken out in conference. The amount named in the bill represents the amount of the compromise originally contemplated, \$20,000 plus interest from September 25, 1914, the date the arbitrators recommended the above-named sum.

The amount is believed to be fair to all parties. It will be advantageous to the tribe, as it is in full compensation for improvements and land. It will be observed that the full amount is less than the money payment recommended by the special supervisor, who recom-



mended that they be given lands in addition to money. By reason of the peculiar value of these lands this would be a considerable item. There was testimony introduced showing that for chalet purposes the lands in question are worth from \$50 to \$150 per acre.

For the reasons herein indicated I am heartily in favor of the passage of this legislation in order that a controversy of long standing may be terminated.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Now, I ought to correct myself, Mr. President. The item was contained in the appropriation bill, and passed the Senate, but went out in conference, the House conferees saying that they objected to a claim of this character on the general appropriation bill. Accordingly, a separate bill was introduced, and the letter which I have just read is the letter of the Secretary in response to an inquiry made with respect to that bill. That bill then came before the Senate and was passed by the Senate and went to the House, and is now pending in the House; but we have not been able to make any progress whatever upon it. Notwithstanding assurances from members of the conference committee that they had no objection whatever to the item except that they objected to its being put upon the general appropriation bill, no relief has been secured, and so we ask that it go again to the House.

Mr. SMOOT. Mr. President, this amendment authorizes the Secretary of the Interior to expend the sum of \$22,400 from any money now available for construction of irrigation systems on the Blackfeet Reservation in Montana. I understand that the irrigation fund for the Blackfeet Reservation has been expended. They are appropriating additional money in this bill; but does the Senator believe that it is a good thing to take \$22,000 out of that irrigation fund when it will take all but \$2,600 of the fund appropriated this year for irrigation purposes?

Mr. WALSH. The Secretary has advised that this is the thing most needed to be done with the money. I might say to the Senator from Utah that this story, if it were told in detail, would furnish material for another novel by Helen Hunt Jackson. These Indians, after having been deprived of their lands by the action of the department, were obliged to go into court to assert their rights. They did so, and the court adjudicated that the land belonged to them and that the Government had no right to take it. The Government finally acquiesced in that, and said, "We will pay you for the land," and an arrangement was entered into by which they were to be paid the sums specified in this amendment, after long negotiation and after two hearings, testimony being taken at some considerable length. These people are out of the use of their land; their sawmill property has been destroyed, was destroyed seven years ago—seven years ago!—and they have been pleading, pleading, pleading from that day to this for reimbursement.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. In just a moment. It looks to me like a farce to appropriate \$25,000 for construction of irrigation systems on the Blackfeet Reservation in one part of the bill and then, a few pages further on in the bill, to take away \$22,400 of that appropriation for paying two Indians. It seems to me that the proper thing to do, if the Blackfeet Indians owe this \$22,400, would be to make a direct appropriation to the parties and take it out of the Blackfeet fund, if they have any, or, if they have not, to make it reimbursable.

Mr. WALSH. Perhaps I ought to make a little further explanation, for the information of the Senator from Utah.

The land in question, to which these Indians have trust patent, is at the lower end of Lower Two Medicine Lake. A part of the irrigation project is now actually on the land. A part of the project is a dam constructed upon their land for the purpose of reservoiring the waters that come down for use in the project, the reservoir created flooding these lands, so that the Government has actually taken the lands as a part of the project. It is not a claim, the Senator will understand, quite separate and apart from this project. The money is used for the purpose of acquiring the necessary land in connection with the project.

Mr. SMOOT. I am glad the Senator gave me the explanation, because that does, in a way at least, account for the land itself, or the destruction of the land, being coupled up with appropriations for an irrigation system.

Mr. WALSH. I quite agree with the Senator that it would be idle to make an appropriation of \$25,000 for an irrigation project and then use a lot of it for some other purpose.

Mr. SMOOT. Yes; that kind of legislation did not look right to me.

Mr. WALSH. That is the situation.

Mr. GRONNA. Mr. President, I wish to inquire of the Senator from Montana if this is not in the nature of a claim on the part of the parties named in the bill?

Mr. WALSH. Mr. President, it is not just exactly in the nature of a claim, because the Government desires to acquire title to this land which belongs to the Indians. The Government has actually taken possession of it, but it has no title to the land. It desires by this method to acquire the title to the land as a part of the irrigation project; so that really it is not in the nature of a claim such as would ordinarily arise.

Mr. GRONNA. As I understand, the Government, or those who are building this irrigation project, have already taken possession of the land, and this appropriation is for the purpose of paying Mr. Cook and Mr. La Breche. Is not that true?

Mr. WALSH. The Senator is right. The Government has taken possession.

Mr. GRONNA. The reason why I am asking the Senator for full information is this: The Committee on Indian Affairs agreed unanimously, I think, that no claim exceeding \$100 should be put on this appropriation bill; and I ask the chairman of the committee why this claim was put on the bill.

Mr. ASHURST. Mr. President, in reply to the question, I wish to state that when the matter was presented to the committee that very question was raised, and it was ascertained not to be a claim against the Treasury of the United States, but, if a claim at all, a claim against an Indian tribe; and it is reimbursable to the Federal Government, hence not in the strict legislative sense a claim against the Treasury. That undoubtedly is the reason why it was not subject to the rule of the committee.

Mr. GRONNA. It would, however, be a claim against the Indian funds, which of course are under the jurisdiction of the Federal Government.

Mr. ASHURST. Well, it was determined that the rule did not apply.

Mr. WALSH. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. GRONNA. Yes.

Mr. WALSH. I desire to call the attention of the Senator from North Dakota to the fact that there is a very considerable appropriation made here for the relief of Gov. Johnson, but in the same way—not out of the Treasury, but out of the tribal funds of one of the tribes in Oklahoma. I will call the attention of the Senator to it.

Mr. GRONNA. I do not know that I shall object to it, but it is news to me; I did not know that it was in the bill. I want to ask the Senator from Montana if he has any objection to letting this matter go over for to-day, so as to give me an opportunity to look into it? It was not considered when I was in the committee. I was not present at the time.

Mr. WALSH. I could not offer any objection at all to a request of that kind coming from the Senator from North Dakota, but the item has twice received the approbation of the Senate upon thorough consideration.

Mr. GRONNA. I shall be glad to refer back to it to-morrow; but I should like to have an opportunity to look into it, because I have not looked into it before.

Mr. WALSH. I merely say this to the Senator: I have no objection to his request if he feels that he would like to take the time.

Mr. GRONNA. Yes; I would like to.

Mr. WALSH. But we may be able to finish the bill to-day.

The PRESIDING OFFICER. It is the desire of the Senator that this item go over, then?

Mr. WALSH. Let it go over.

The PRESIDING OFFICER. Without objection, the item will be passed over.

The reading of the bill was resumed.

The next amendment was, under the head of "Nebraska," on page 38, to change the number of the section from "10" to "11," and in line 26, after "\$2,500," to strike out "for purchase and erection of steel water tank, \$2,400; in all, \$81,200" and insert "for employees' quarters, \$7,120; for purchase and erection of steel water tank, \$2,400; in all, \$88,320," so as to make the section read:

Sec. 11. For support and education of 400 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, \$68,800; for general repairs and improvements, \$7,500; for addition to hospital, \$2,500; for employees' quarters, \$7,120; for purchase and erection of steel water tank, \$2,400; in all, \$88,320.

Mr. NORRIS. Mr. President, I want to offer an amendment to the committee amendment. In line 3, page 39, after "\$2,400," I move to insert:

For the purchase of additional land, \$41,600.

Mr. President, I should like to have the attention of the chairman of the committee particularly. They have at this reservation a farm of 320 acres which has been in successful opera-



tion for quite a number of years, and I understand that it is one of the most profitable and promising investments that the Government has ever made in any way at any Indian reservation. I have here a letter from the superintendent, Mr. Davis, in regard to several items, but I want to read what he says in particular about the acquisition of additional land. He has not enough land. He needs more land. As to the land in that vicinity, while I am not personally acquainted with the particular land that he has in view, I know that the land there is very valuable, and is increasing in value every year. He says in his letter:

It is conceded by all that this institution has bred and now owns the greatest dairy herd, the finest swine herd, the best Percheron horses to be found in the possession of any Government institution. No Indian school or agency farm of similar size produces greater quantities of grain and vegetables. The only drawback to the farm is its size. It is too small. I do not at this time recall a single nonreservation school that has not a larger farm. Some of them not so large in pupil capacity own two or three times as much. More land is much needed. This school is splendidly located to teach and demonstrate agriculture. More land is required in order to produce more food supplies for pupils and stock, thereby reducing the running expenses. A half section lying just north of the school can be purchased for \$41,600—

That, Mr. President, would be \$130 an acre—

The school would in 10 years make enough net profit to pay for the farm after meeting all operating expenses, such as farmer's salary, hire of other help, etc., to operate it.

He says, further along:

Buying a farm is altogether unlike appropriating money for construction of new buildings. The building has no market value, while the farm will continue to enhance in value. Money appropriated to buy a farm for this school would be the same as advancing money to a certain tribe that would reimburse it. There would be more assurance of getting the money back. A farm here is as good as gold reserve stored in the United States Treasury.

Mr. President, I have here a letter written by a member of the House Committee on Indian Affairs. I shall not take the time of the Senate to read it, except to say that he speaks of several other things. He has been there, although he is not a resident of that State. He was there and visited this farm, went over this reservation, and he—

Mr. ASHURST. Mr. President, will the Senator yield to me for a few questions?

The PRESIDING OFFICER (Mr. CLAPP in the chair). Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. NORRIS. I certainly do.

Mr. ASHURST. I should like to ask the area proposed to be purchased.

Mr. NORRIS. Three hundred and twenty acres.

Mr. ASHURST. Will the Senator further yield to me?

Mr. NORRIS. I yield.

Mr. ASHURST. I want the Senator to understand that I am not at all hostile to his amendment—in fact, I am rather inclined to favor it—but the bill has been subjected, and properly so, I think—I have no objection—to a galling, raking fire of criticism because of the increases that the Senate committee has made. I am not objecting to the criticism we have sustained; but I believe at the present time, in view of the extreme criticisms that have been made, that the Senator's amendment would not be agreed to.

Let me suggest to the Senator that I am willing to vote for the proposal in this form: Let the Senator propose an amendment, "That there is hereby appropriated the sum of \$500, or so much thereof as may be necessary, to enable the Secretary of the Interior to investigate the necessity, suitability, and feasibility of purchasing this farm and make a report to Congress on the first Monday of December, 1917." I believe that ought to be done rather than purchase out of hand, without further investigation, a farm costing \$41,000. I make that suggestion.

Mr. NORRIS. I thank the Senator. I realize what has been done and the anxiety of the Senator to have the appropriations kept down as much as possible. I agree with the Senator that that is the proper thing to do; but I have not in the amendment provided that this particular land shall be purchased. I have not provided that we must buy this or that land or must pay this price. I would not want to do that myself, although I have an abundance of information here in the shape of letters from men who live in that vicinity, and who know, who say that the price is cheap. In a general way I know that, although I think I have never seen the land. I know the locality where it is, and I know that land there is selling as high as that.

I presume the bureau could make this investigation without any appropriation. I would have no objection to modifying the proposition so that they would not have to purchase. I think under the language as I had it they would not have to purchase any land if they did not want it, but leaving it to their discretion to purchase. There is nothing in the amendment, I will say, that would require them to purchase this particular land. I only mentioned it because in the letter of the superin-

tendent he calls attention to this particular land, and in another part of the letter he says unless it is purchased pretty soon undoubtedly the land can not be obtained at that price.

Mr. ASHURST. That may be quite true. Another thing I fear is that the conferees on the bill are going to have a good deal of difficulty in composing differences because of increased items, and if an amendment should be adopted and I am on the conference I shall try in every honorable and proper way to secure its adoption by the conferees, but I am inclined to doubt at this session whether it could be done. I would not want the Senator to feel that he had been treated in bad faith.

Mr. NORRIS. No; I would not be. I have the utmost faith that the Senator would try to retain it, and I hope the Senator will let it go on the bill.

Mr. ASHURST. Let it go on.

Mr. NORRIS. When the Senator interrupted me I was about to call attention to a statement made by a member of the House committee who may be on the conference. He called attention to the fact that this ought to be done, and it ought to be done now, and ought not to be delayed.

Mr. ASHURST. Let it go into conference.

Mr. NORRIS. All right.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Nebraska to the amendment? The Chair hears none, and it is agreed to.

The SECRETARY. On page 39, line 3, change the total by striking out "\$88,320" and make it read "\$129,920."

The amendment as amended was agreed to.

The next amendment was, on page 39, line 9, after the word "superintendent," to strike out "\$50,430; for general repairs and improvements, \$10,000; for new dairy barn and equipment, \$5,000; for purchase of live stock, \$2,000; in all, \$67,430," and insert "\$52,100; for general repairs and improvements, \$10,000; for additions to dormitories, \$30,000; for new dairy barn and equipment, \$5,000; for purchase of live stock, \$2,000; in all, \$99,100," so as to make the clause read:

For support and education of 290 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, \$52,100; for general repairs and improvements, \$10,000; for additions to dormitories, \$30,000; for new dairy barn and equipment, \$5,000; for purchase of live stock, \$2,000; in all, \$99,100.

Mr. PITTMAN. Mr. President, the committee made a slight raise in this item of \$30,000 to build dormitories and \$5,000 for dairy barn and equipment.

I want to say that in the last Indian appropriation bill there was an item allowed by the Senate committee of \$25,000 for these dormitories, and it passed the Senate and went into conference. In conference it was not agreed to. I do not think I am violating any confidence when I say that in conversation with various conferees they stated that had the facts been called to their attention while they were in the first conference this item would have been allowed.

I want to read. In the first place, I will read from the report of the House committee hearings. I will state that this was estimated by the Commissioner of Indian Affairs. It is no increase upon the estimate. Here is the estimate made by the Commissioner of Indian Affairs:

*Support of Indians in Nevada.*

Fiscal year ending June 30, 1917, amount appropriated.....	\$18,500.00
Fiscal year ended June 30, 1916:	
Amount appropriated.....	18,500.00
Amount expended.....	17,990.14
Unexpended balance.....	509.86
Analysis of expenditures:	
Salaries and wages.....	7,054.91
Traveling expenses.....	278.32
Transportation of supplies.....	1,039.74
Telegraph and telephone service.....	78.00
Subsistence supplies.....	2,622.08
Dry goods, wearing apparel, etc.....	34.80
Forage.....	873.45
Fuel, illuminants, lubricants, etc.....	1,384.00
Educational, stationery, and office supplies.....	28.75
Medical supplies.....	822.66
Live stock.....	400.00
Implements, vehicles, tools, etc.....	1,017.33
Sundry supplies, equipment, etc.....	1,074.58
Rent.....	460.00
Miscellaneous.....	820.65
Total.....	17,990.14

The hearings include the estimate of the commissioner, and in justification the commissioner continues as follows:

In the State of Nevada there are nearly 8,000 Indians, of which number 2,819 are under the jurisdiction of six superintendents. For the Indians under these six superintendents there are reservations or tracts of land. For the 5,000 Indians or more under a special agent, with headquarters at Reno, Nev., there is no land except such as is to be purchased under the \$15,000 appropriation contained in the Indian act for this fiscal year and such homesteads as the Indians may have



acquired, and which, it appears, are worthless for agricultural purposes. Water is the all essential for cultivation of crops and stock raising, and items for the irrigation system are also included.

The total income of the Indians in that State for 1915 was \$266,223, of which more than half was obtained by day labor. The value of the crops was but \$66,366, and the value of the stock sold \$23,594. The Indians cultivated only about 10,000 acres, and this was done by 777 Indians. But \$150 was received from the leasing of land for agricultural purposes and \$4,755 for grazing purposes. There has been a gradual increase both in the number of persons engaged in agriculture as well as the acreage.

It will be necessary under the circumstances to continue the supervision of the affairs of these Indians, to furnish many with rations, to supply equipment in many instances, in order that the Indians may start or continue their activities.

Now, getting down to this particular increase in the appropriation over the House appropriation, because the appropriation contained in this bill is not in excess of the estimates but is in accordance with the estimate of the Commissioner of Indian Affairs, reading from the bottom of page 190, we find this comment by the representative of the Commissioner of Indian Affairs:

The support fund of this school is increased from \$50,430 in 1917 to \$52,100 in 1918, an increase of \$1,670, to provide for the support and education of 10 additional pupils.

The fund for general repairs and improvements is increased from \$8,000 in 1917 to \$19,000 in 1918, to meet urgent needs. Many of the buildings are very old and in a dilapidated condition. Two of the cottages used as employees' quarters were built in 1859 and 1876, respectively. The main building was constructed in 1890, and several of the important buildings were completed between 1890 and 1894. The school plant has therefore been in use for many years and requires constant care at increased expense. The heating system requires new boilers, radiators, conduits, etc. An addition to the domestic-science cottage is necessary; also additional quarters for employees. The advanced cost of all classes of building materials and labor and the extensive general repairs required necessitate the increased estimate.

A very large Indian population in the locality is without school facilities; to meet this need it is desired to increase the capacity of the dormitories, and the sum of \$30,000 is estimated for this purpose.

Provision has been made for irrigation of the school farm, and the school will provide thorough instruction in farming much of certain classes of subsistence supplies, including dairy products. A dairy barn is a necessity, and is estimated for in the sum of \$5,000. The required dairy cattle are asked in the estimate of \$2,000 for the purchase of live stock.

That is an increase of over \$30,000 for that school. The current Indian appropriation act carries an appropriation of \$62,430.

These improvements are very much needed at that school. We are not able to take care of all of the children in Nevada with the present school facilities, and we have a very energetic superintendent, who is trying to build up that school to a proper standard, and we would like very much to have these improvements which are requested.

Then, going on further in the hearings, we find the following:

The CHAIRMAN. I see that you have raised the number of pupils from 290 to 300 in that school.

Mr. MERITT. Yes, sir.

The CHAIRMAN. How many Indian children have you there now in daily attendance? I would like to know the necessity for this increase. What is the present enrollment?

Mr. MERITT. They have an enrollment there of 273.

The CHAIRMAN. Well, you are entitled to 290. Now, what explanation have you for wanting the number raised to 300?

Mr. MERITT. We have made certain repairs at that school which will enable us to increase the capacity.

The CHAIRMAN. You want to increase it only 10. Would the increased benefit be sufficient to justify the increase of appropriation?

Mr. MERITT. Yes, sir.

The CHAIRMAN. All right.

That covers the report and hearings as given before the House committee.

Now, then, I want to read a letter from Mr. James B. Royce, the superintendent of that Indian school:

#### AMOUNT DESIRED FOR CARSON SCHOOL.

For support and education of 350 Indian pupils at the Carson Indian School and salary of superintendent.....	\$61,700
For repairs and improvements.....	8,000
For addition to dormitories.....	35,000
For a central heating plant.....	15,000
For a new dairy barn and equipment.....	4,500
For purchase of live stock.....	1,500
For irrigation of school farm.....	2,500

#### JUSTIFICATION.

I am now building sleeping porches on the large girls' building, which will equip us to care for 50 additional pupils. There are in the State of Nevada some 600 pupils out of school and they have no place to attend, and this school should be built up to at least 500 as rapidly as possible in order that pupils now out of school may be accommodated. Since this is the only nonreservation school in the State, it naturally follows that this school should be built up. There is no question as to having the required number of pupils; the only question is to have room for them.

The amount asked for repairs and improvements is badly needed, because our buildings are all frame and have been badly neglected in the past, and it will require several years to put them in reasonably good repair. In addition to necessary repairs, we also need some minor buildings, such as coal shed, chicken houses, machine shed, hog house, etc.

At this time the small boys and small girls, numbering some 125, are quartered in what is known as the old main building. This building was erected when the school was first established, many years ago, and it is in a very bad state of repair, and the expense of putting it in good condition is prohibitive; and even if it were done the building would not then be safe as a dormitory, because in this same building are located the school dining room and kitchen and bakery, and, there-

fore, there are many chances of this building catching fire. In fact, since I have been here this building has been afire three different times, and only by prompt action were we able to prevent it from burning. This building is frame and is about 30 years old, and should same catch fire at night it would burn very quickly and the chances are that some of the small children would be burned up before we could get them out, although we are taking every precaution against fire. Since I have been here I have placed on this building six new fire escapes.

The dining room and kitchen and bakery are not adequate to the needs of the school, and are very poorly arranged and are not what we need by any means. This entire building should be torn down and should be replaced by a new building. This new building should consist of a large commodious dining room, kitchen, and bakery on the ground floor, and on the second floor should be room for domestic science and domestic art, and also several rooms for employees, as the cook, dining room matron, and baker should have their rooms in this building.

If we can secure the appropriation of \$30,000 for the additions to the dormitories, it is my desire to build an addition to the large boys' dormitory and one to the large girls' dormitory, so that there will be room for about 200 boys in the large boys' dormitory and 200 girls in the large girls' dormitory. This would increase the capacity of the school to 400 pupils. After this appropriation has been secured, then the next year we could probably secure an appropriation of about \$25,000 to build the new dining room, bakery, and kitchen. When this appropriation is secured the old main building could be torn down and replaced with a new modern building. This change would make a wonderful improvement in this school and should be secured at the earliest possible date.

The \$15,000 asked for the central heating plant is very essential and should be secured the coming session of Congress, if possible. At this time four large buildings have individual heating plants and all the other buildings have stoves. This is a very unsatisfactory arrangement and makes the danger from fire very great and also makes the cost of fuel much more than it would be if we had a central heating plant. If we secure this appropriation we can install a central heating plant for using oil as fuel instead of coal. I am advised by parties who use oil that it is about 50 per cent cheaper than coal and it is much more satisfactory to use in an institution of this kind, as the hauling of coal and hauling away of ashes causes us considerable labor, which is without any profit to the school or any benefit to the pupils.

At this time our dairy barn is entirely inadequate and is not up to date by any means. We should have a new dairy barn with a capacity for about 40 head of cows, because a school of this size needs a dairy herd of at least that many to furnish the proper amount of milk. There is no cheaper way to fight tuberculosis than to use plenty of milk.

If we get an appropriation for a new dairy barn, we should then have about 10 or 15 head of first-class dairy cows. We now have 15, but several of them are very poor grade and should be sold, as they do not give sufficient milk to justify us in keeping same. Since I have been in charge of the school we have been able to get in considerable alfalfa and by another year I think that we will be able to raise sufficient alfalfa for our own use and probably enable us to properly care for 40 head of cows. We are getting land ready for alfalfa and for pasture just as fast as we can.

Our water supply here is rather limited and it is absolutely essential that we do everything possible to conserve what water we have. The soil here is sandy and authorities agree that about 35 or 40 per cent of the water is lost by carrying same in open ditches. While we have an appropriation of \$4,000 this year for irrigation purposes, it is not sufficient to put in all the pipe we should have, and in addition to this fact, I would like to install one or two pumping plants to see if we could pump water to supplement the flow of the stream during the period when the water is very low.

Mr. President, I think that this appropriation is thoroughly justified. I will say that in the last Indian appropriation bill this matter was thoroughly discussed before the committee, and the committee allowed the appropriation for the dormitories the same as the committee has now done. It not only allowed it, but it came on the floor of the Senate and it was then discussed before this body just as it is being discussed now, and this body agreed to the amendment then. It went into conference, and I do not feel that I violate the confidence of the conferees when I tell you that the members of the conference on the part of the House stated that if they had known the fact at the first conference the item would have been kept in the bill.

Now, we come back to you with an estimate of the Commissioner of Indian Affairs. He estimates that this sum is required. The Committee on Indian Affairs of the Senate says it is required. The superintendent in charge of the work on the ground says it is required, and I tell you of my own personal knowledge that it is required. I know it was required long before this time. It is a crime to keep little children in the character of buildings they are living in now in the State of Nevada. They have a frame building that was built 30 years ago. The floor is sagging, the walls are breaking down. They have old stoves there for heating purposes. It has caught on fire three times in the last few years. It is a regular fire trap. It is unfit for any person on earth to live in. Yet we have begged and pleaded time and time again to treat these Indians there as though they were human beings instead of animals.

I will admit that the Senate has done its part in the last appropriation bill and in this appropriation bill. I am now convinced that the House will do its part, because the House conferees on the last appropriation bill stated after the matter had gone into conference and been disallowed if they had known the fact that item would have been kept in the bill.

Mr. SMOOT. Mr. President, the Senator from Nevada has informed the Senate as to why the appropriation of \$30,000 is necessary for the building of additional dormitories. I take it



for granted that there is no necessity to ask any further questions on that item, but I notice in this provision there is an increase of \$1,670 for the support and education of 290 Indian pupils, including pay of superintendent. The House provided \$50,430 and the Senate committee has increased it to \$52,100.

Mr. ASHURST. Will the Senator yield to me for just a moment?

Mr. SMOOT. I yield to the Senator.

Mr. ASHURST. In line 7, page 39, the words "two hundred and ninety" before the words "Indian pupils" should be stricken out and "three hundred" inserted in accordance with the estimate.

The per capita cost is \$167, and therefore in accordance with the view of the committee and its action on the matter, 300 Indian pupils should be provided for, as that is the number. It is just a typographical error in regard to the number.

Mr. SMOOT. That adds 10 Indians.

Mr. ASHURST. Yes; that was the action of the committee, but there is an error there. It reads "290," when it should be "300."

Mr. SMOOT. Does the Senator intend to move that amendment?

Mr. ASHURST. Yes; I offer that amendment now.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 39, lines 7 and 8, strike out "290" and insert "300," so as to read "300 Indian pupils."

Mr. ASHURST. It does not require a change in the amount.

Mr. SMOOT. I recognize that. Then the increase of \$1,670 is for the extra 10 pupils?

Mr. ASHURST. That is true.

Mr. SMOOT. In other words, it costs \$167 for each pupil?

Mr. ASHURST. The Senator is correct.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "New Mexico," on page 39, line 24, to change the number of the section from "12" to "13."

The amendment was agreed to.

The next amendment was, on page 40, line 16, after "\$15,000," to strike out "said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians," so as to make the clause read:

For continuing work on the Indian highway extending from the Mesa Verde National Park to Gallup, N. Mex., on the Navajo Reservation, \$15,000: *Provided*, That such sums shall be expended under the direction of the Secretary of the Interior in such manner and at such times and places as he may deem proper, and in the employment of Indian labor as far as possible for the construction of said highway.

Mr. JONES. I should like to ask the chairman of the committee why that provision for the reimbursement of the \$15,000 is stricken out? If the appropriation for \$15,000 for continuing work on this highway is for the benefit of the Indians, then the money ought to be reimbursed, at least if we follow the policy we have pursued in reference to many of the other reservations. If it is not for the benefit of the Indians, then why should we appropriate \$15,000 to apply on a public highway? We passed a bill at the last session providing for Government aid to good roads, and it is supposed that that act will take care of the situation as far as Congress deems it advisable for the National Government to go.

Mr. ASHURST. Mr. President, I advert to page 82 of the Senate committee hearings wherein this matter is discussed. I read a part of the statement made before the committee:

Senator GRONNA. There was no estimate for this.

The CHAIRMAN. No. It is discussed in the CONGRESSIONAL RECORD at page 200, the clerk says.

Mr. MERITT. If this appropriation is to be made, the commissioner is anxious it shall be a gratuity rather than a reimbursable appropriation.

The CHAIRMAN. You remember last year they asked for \$54,000, the total expenses of the road, and we gave them \$15,000, and thought we would give them that amount each year. Senators SHAFROTH and CATRON argued they should have the whole sum, but the committee allowed only \$15,000.

I think we ought to strike out the reimbursable feature.

Mr. MERITT. Beginning at line 23, page 33, after "\$15,000," strike out down to line 2, page 34, ending with the words "credit of said Indians."

The CHAIRMAN. Yes; strike out that reimbursable feature.

Senator CURTIS. You made it reimbursable last year. I am against the reimbursable feature myself.

The committee felt that the lands of these Indians should not be pledged or bound in any way to repay this amount, and so voted. There is quite a wide divergence of opinion, of course. I assume that a great many Senators take the view that in light of the facts these Indians have a large reservation upon which there is considerable coal and copper it is nothing but proper that the reimbursable features should be written in the law.

But I wish to say to the Senator from Washington that at the present time that reimbursable feature on the Navajo Reservation is only a fiction. It is only a fiction unless Congress will pass a bill providing for the opening of the mineral land, the coal lands, of these Navajos and sell or lease them. It is only a fiction, and there is no use for us to be dealing in fictions, in other words, fooling ourselves.

Mr. JONES. I find in the very next provision of the bill where \$25,000 is appropriated for the building of a bridge, and it provides that it shall be reimbursable out of any money that shall come into the funds of the Navajo Indians.

Mr. ASHURST. Of course, no man living can solve the complexity and the apparent inconsistency of the views of men. A man might be willing to make an appropriation for a bridge reimbursable but have a very good reason why he would not make an appropriation for a road reimbursable.

Mr. JONES. I am not asking the question because I am opposed to the item. I am just asking to get information. I want to know why we should appropriate \$15,000 for this highway. They call it an Indian highway. Is it a public road or is it for the benefit of the Indians?

Mr. ASHURST. I will yield in a moment to the Senator from New Mexico [Mr. FALL], who is more familiar with the situation than I am. It is an Indian road.

Mr. JONES. It is entirely on the reservation?

Mr. ASHURST. Not entirely. In the West we are a very peculiar people. We find in the West when a man comes to a raging, roaring river full of quicksands he will insist upon proceeding over a road built by the Government for the benefit of the Indians rather than going around where there is no road. Of course the white people are using it.

Mr. JONES. I have some knowledge of western lands.

Mr. ASHURST. I know the Senator has. It is for the benefit of the Indians; but there is no reason why the white people should not use the road. They will use it, and they ought to use it.

Mr. JONES. But the Senator certainly did not understand me to suggest that the white people should not use the road built on the reservation. What I am trying to get at is whether it is primarily for the Indians and for the benefit of the Indian reservation, or whether it is part of the public highway system that is being constructed throughout the country. That is what I want to get at; and I am asking for this information, not in the spirit of criticism but for the purpose of getting light with reference to the matter.

Mr. FALL. Mr. President—

Mr. JONES. I shall be glad to yield to the Senator from New Mexico.

Mr. FALL. I do not know that I can shed very much light on the subject, but I can at least make a short explanation.

The Mesa Verde National Park is a Government national park. There is a road extending from Gallup, N. Mex., to the Mesa Verde National Park, which, as I say, is a Government reservation. A portion of this road extends through the Navajo Reservation along a highway now used by the Navajos. The object of this appropriation is to construct a road through a portion of the Navajo Reservation, the road aside from the Navajo Reservation having been largely constructed by the people and the counties of New Mexico as a public enterprise of that State, the Government doing what little it could.

The Senator from Washington will remember that the appropriations made for the good-roads system, aside from post roads, only provided for roads on forest reservations. This is not a forest reservation, but this is a national park—the Mesa Verde National Park. In going to the Mesa Verde National Park it is necessary for people to go across the Indian reservation. They follow for a portion of the distance the highway which is now followed by the Indians for their own purposes. The construction of this road will not be purely or very largely for the benefit of the Indians themselves, but it will be for the benefit of the people of the United States in reaching one of their national parks. The \$15,000 which is to be spent on this portion of the road is only a very small portion of the cost of the road.

Mr. JONES. Is Gallup on the reservation?

Mr. FALL. Gallup is off the reservation, in the State of New Mexico.

Mr. JONES. How far is it from Gallup to the reservation?

Mr. FALL. It is quite a distance, possibly 25 or 30 miles.

Mr. JONES. How far is it across the reservation to the national park?

Mr. FALL. It is 25 or 30 miles, according to my recollection.

Mr. JONES. Does the reservation come up to the line of the national park?

Mr. FALL. The national park is practically within the reservation or on the line of the reservation.



Mr. JONES. Can not this road be built under the terms of the good-roads act, which we passed at the last session?

Mr. FALL. Does the Senator refer to the national good-roads act with reference to the general public highway system?

Mr. JONES. Yes.

Mr. FALL. I do not think the amounts appropriated there would be available for use on an Indian reservation. I wish the Senator could get that construction of the good-roads act.

Mr. JONES. Well, the amount would be available for that part of the road outside of the reservation.

Mr. FALL. For the road outside of the reservation we are not asking anything. There is no appropriation for any portion of the road outside of the Indian reservation, and the general appropriation does not apply to Indian reserves—at least, the department has been construing the law to that effect.

Mr. JONES. This is a direct appropriation out of the Treasury for the continuance of a public highway over an Indian reservation.

Mr. FALL. To get an outlet from the Government national park through the reservation. You can not get to this national park without going across this reserve. I do not think it would be exactly fair to make the Indians pay, if they ever have any funds with which to make such payment, for this road, because it is primarily for Government purposes and to reach a national reserve.

Mr. JONES. If that is the case, of course, the Indians ought not to pay it.

Mr. FALL. That is the fact, and the road ought to be built.

Mr. JONES. I am very glad, indeed, to have another precedent here that will support a proposition that I shall later take up. I had not supposed that the National Government would go into further appropriations for items for the building of specific roads throughout the country, in view of the passage of the good-roads law at the last session; but some of my friends in my own State have been urging me to try to get an appropriation for a State highway that will open up a large section of our State. A good part of it passes over an Indian reservation, and I have thought that we should have to take care of that through the good-roads law, especially the part outside of the reservation; but I am very glad to see this evidence of liberality in these times when the Treasury is overflowing with money, when the demands upon it are very slight, and when it is not necessary to have special measures taken to get Congress to act with reference to legislation that is deemed necessary, and that the Congress is appropriating money to assist in the construction of these good roads, of which I am heartily in favor.

Mr. FALL. Mr. President, will the Senator from Washington yield to me for a moment?

Mr. JONES. Certainly.

Mr. FALL. I think, if I understand the Senator from Washington correctly, that he and I are in very thorough accord about this proposition.

Mr. JONES. I think so.

Mr. FALL. In other words, if under the general law the Government funds can not be used for the construction of a road within an Indian reserve, and it requires a special appropriation to construct a road there, which is a part of a highway, the Senator is in favor of that appropriation?

Mr. JONES. I am.

Mr. FALL. So am I.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ASHURST. Mr. President, I wish to say a word on that subject. The Senator from Washington [Mr. JONES] rather jibed the committee or its chairman for opening the door looking toward appropriations for roads through Indian reserves.

Mr. JONES. The Senator from Arizona is entirely mistaken if he thinks I intended to jibe him or the committee. That never entered my mind.

Mr. ASHURST. Then I withdraw that statement; but we can not escape the issue that is going to be raised here. It is going to be raised by western Senators, and it ought to be raised. I presented a memorial here which had been unanimously adopted by both houses of the Arizona Legislature only last Thursday or Friday, calling attention to the fact that the good-roads law, which was a beneficent measure, totally failed to make any provision for the construction of roads across Indian reservations.

Take, for instance, the State of Arizona. Nearly 50 per cent of that State is withheld and withdrawn from the people. The people at their own expense are gridironing that State with good roads. The Navajo Reservation, embracing 30,000 square miles, has precluded the transport of goods and persons over that reserve because of the lack of roads, and yet Congress has declined to construct roads upon Indian reservations.

I hope the Senator from Washington, and I hope all other Senators, will join with me in a movement, which I am soon going to inaugurate, to make appropriations from Indian funds, if they have them, or from the Federal Treasury if the Indians have them not, to bring the remote parts of our western country into close proximity. As to the construction of roads upon Indian reserves, I am glad to have the support of the Senator from Washington. There is no reason why those parts of our country should be separated by impassable barriers in the shape of Indian reserves. I have introduced a bill—and a favorable report has been made on it by the Committee on Indian Affairs—providing for the leasing of valuable mines belonging to the Indians, with a splendid and generous royalty to go to the Indians, in order that a fund may be created which we may take and use for the construction of roads on the Indian reserves.

Mr. JONES. Mr. President, I am very glad, indeed, to hear the Senator from Arizona say what he has said. I do not understand him to suggest that the Indians should bear anything like all of the expense of constructing roads across their reserves, but that they should bear a just part of that expense, a part commensurate, as nearly as it can be ascertained, with the benefits that will come to them and their lands by the construction of these highways.

I know by experience in my own State of the character of the barrier that these reserves are in the building up and development of sections of country in that State. I received a letter only this morning urging assistance by Congress with reference to the construction not only of a bridge across a river that separates an Indian reservation from other territory of our State, but also to aid in the construction of roads across the reservation lands. The construction of such roads is very urgently needed in order that the country may be developed. Yet by the construction of roads the Indian lands will be greatly benefited. Ninety per cent of the territory through which the road would go is Indian land that can not be taxed by the county or by the State and upon which no burden for the construction of roads can be imposed. If those roads are to be constructed, either the other 10 per cent must bear all of the burden or Congress must assist in the work either by a direct appropriation from the Treasury or by an appropriation of money that will be reimbursable from Indian lands.

I think that the Indian lands ought to bear part of the burden under such circumstances. As I have said, the Indians are going to get the primary benefit, they should be made to bear a part of the burden, and the development of the country should not be held back because these lands are not subject to taxation. Then, in addition to what the Indians' land should bear, whatever just burden there may be which under other circumstances would fall on private lands, should be borne by the Federal Government in order that proper roads may be made over these lands, so as to promote development.

I am very glad indeed to hear what the chairman of the committee has said. I think I am pretty well in harmony with the thoughts he has expressed, and I am glad to learn his attitude, because it will help, I think, to meet a situation in my State that has been troubling our people very much; that I have thought ought to be remedied in some way, and as to which we have thus far not been able to get assistance.

I think I will take only a moment or two further to state the conditions to a certain extent as affecting one of the Indian reservations in the State of Washington. We have an Indian reservation within 4 miles of the city where I live. The lands have been allotted in a different way from that stated by the Senator from Oregon [Mr. LANE] a while ago. The Indians have not been allotted land up in the foothills and on the higher ground, but the allotments have been made on the lower land. Possibly 120,000 acres of these lands will be irrigated, and 50,000 or 60,000 acres of them are now irrigated. The lands in these allotments in a raw state are worth from seventy-five to one hundred dollars an acre, and they have sold for that in the market, they are selling for that, and they will continue to sell for that, and when the lands are improved they are worth from \$150 to \$250 an acre. Many thousands of acres of these lands are improved, and yet we can not impose a single dollar of taxation upon them for the improvement of roads over the reservation. The county has spent thousands of dollars for the construction of roads; the Indians are getting great benefit from that construction; the lands are increasing in value by reason of this expenditure, and yet we have been unable to appropriate a single dollar, even reimbursable, to assist in the construction of roads upon this reservation. So, I am hopeful now, in view of what is being done, that that situation can be taken care of in the very near future.

Mr. SMOOT. Mr. President, I desire to call the attention of the distinguished Senator from Arizona to another class of



land withdrawn in his own State and other Western States that is in the same situation. In Arizona there are a number of withdrawals for national parks and national monuments. There is no provision in the law granting assistance to the States in building roads that will allow a portion of the money credited to a particular State to be used for the building of roads through a national monument or through a national park. The restriction applies to those two classes of withdrawals, just as it applies to Indian reservations. Of course, on an Indian reservation there are Indians who own property and they can pay a part of the expense, but the only way a road can be constructed through a national park or through a national monument is to secure an appropriation for it and authorize the Secretary of the Interior to build the road. If the State wanted to build a road through a national monument or a national park, there is no authority granted to the State to do so; but it must come to Congress for the authority to build the road. I presume, too, that it would have to receive an appropriation from Congress in order to secure the building of that road under the direction of the Secretary of the Interior.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 40, after line 23, to insert:

The Secretary of the Interior is hereby authorized and directed to cause to be constructed a steel bridge across the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in said county and State; and there is hereby appropriated the sum of \$25,000, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to defray the expense and cost of constructing said bridge: *Provided*, That said sum is to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians of the State of New Mexico.

Mr. JONES. Mr. President, there is nothing in that amendment to indicate whether or not the bridge is on a reservation except the provision that the money shall be reimbursable. There is nothing to indicate that it is for the benefit of the Indians except that. I should like to ask either the chairman of the committee or the Senator from New Mexico [Mr. FALL] whether or not this bridge is on a reservation or is for the benefit of the Indians?

Mr. FALL. Mr. President, one end of this bridge is on the New Mexico side of the San Juan River and the other is on the Navajo side. The situation is this: The Navajos living opposite Farmington, numbering something over 1,500, are engaged largely in agriculture and sheep raising, and are compelled to go down the San Juan River 35 miles to a bridge built by the people of New Mexico across the San Juan, and to come up on the opposite side about 35 miles additional to get to a shipping point for their sheep and for their other products. The people of San Juan County, which is a comparatively new county, built a bridge several years ago at their own expense but it was washed away. The San Juan River is a large stream and a very treacherous one. I think the people have spent \$25,000 of their own money in building bridges, very largely for the benefit of the Indians, although, of course, for the benefit also of the people of the town of Farmington, who are able to do business with them. All the mercantile business of the Navajos, however, is done by Indian traders who are located within the Indian Territory and the merchants of the town of Farmington, which is a small town of about 800 inhabitants, derive very little benefit from the Indian trade generally. The Indians themselves go to Farmington, which is the terminus of a railroad, for the purpose of making their shipments. To do that they must have some method of crossing the San Juan River or have to travel about 75 miles out of the way.

The agent is establishing an Indian school and a subagency on that portion of the reserve across from Farmington, and also an Indian hospital is being established there. It is impossible at many seasons of the year to cross the San Juan at all, because it is a rather large and a very treacherous stream, and much quicksand is found along its course; so that two-thirds or three-fourths of the time it is necessary for any traffic with this portion of the reserve to come in by way of the La Plata bridge, as it is called, which was built and has been maintained by the people of Farmington and of San Juan County.

San Juan, one of the newer counties in New Mexico, is almost entirely within an Indian reserve. Since the county of San Juan was created extensions of the Navajo Reserve have been made over that county by Executive order to such an extent that not one-third of the public lands in San Juan County to-day remain accessible to those who desire to locate homesteads and become citizens of San Juan County, and not one-third of the public

area of San Juan County can ever under the present system produce one dollar of taxation for the support of government because Executive orders have been extended over that county, taking in the public domain and withdrawing lands from tax-paying purposes and incorporating them in the Indian reserve.

The Indians themselves ask that this bridge be built. The agent of the Indians, Mr. Stacker, requests that it be built. A special bill for the construction of this bridge was introduced in the Senate by my colleague [Mr. CATRON] and passed this body, after it had been approved by the Indian Bureau. When that bill reached the House it was reported back favorably by the House committee, and by the members of the House committee themselves the suggestion was made that, as the House had passed the Indian appropriation bill, this item be brought over to the Senate committee and by the Senate committee be placed in the bill.

This bridge being almost entirely for the benefit of the Indians themselves, that they may be enabled to reach a shipping point, it is to be constructed and the funds are to be reimbursed out of any funds thereafter coming to the Navajos.

Mr. JONES. Mr. President, I think the Senator has made a very good showing for this item. As I understand, it is not for the continuance of any public highway or anything of the sort. I want to ask the Senator a further question with reference to the probability of this amount ever being reimbursed. The chairman of the committee suggested a moment ago that that was largely a fiction, especially with reference to the Navajo Indian Reserve. I ask the Senator how large this reserve is, and what the probabilities are of any money coming to them out of which this amount could be reimbursed?

Mr. FALL. Mr. President, there are between thirty and forty thousand Navajo Indians. From time immemorial the Navajo Indians have been engaged in the sheep industry. They are among the largest producers of wool on the American Continent. They have the greatest sheep herds of which I have any knowledge among any one class of people. They have now over 11,000 acres for each Navajo Indian on the Navajo reserve, and yet 9,000 of them have been located off the Navajo reserve and upon the public lands of the United States in my State, in Arizona, in Utah, and in Colorado. Although the Congress of the United States three years ago prohibited the location until a further act of Congress of any other Navajos outside of their reservation, the President of the United States within the last few days—I think it was on the 15th of January—has withdrawn in McKinley County, N. Mex., from 60,000 to 70,000 acres—I have not in mind exactly the acreage—from the public domain for the purpose of locating Navajo Indians upon the land. This bill itself carries an appropriation of \$15,000 more for the purpose of acquiring railroad lands from the old Atlantic & Pacific Railroad grant in McKinley County, N. Mex., for the Indians. These locations and withdrawals were made for the Navajo Indians as a tribe, and the consequence is that the lands never will be taxable. Thus just so much of this property, which ultimately would be subject to taxation and help support the government of McKinley County, municipal government, and the State government of New Mexico, has been withdrawn from the people of New Mexico forever.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

Mr. FALL. With pleasure.

Mr. ASHURST. The Senator, in his very interesting address, complains of the withdrawal of 70,000 acres. Mr. President, the Arizona delegation about a year ago requested that a small reservation be created for the Papago Indians, assuming that some 70,000 acres would be set aside; but when action was taken we found that 3,000,000 acres, embracing two-thirds of one of our counties, were set aside, so the Senator has no real complaint.

Mr. FALL. The Senator is mistaken, Mr. President. The two reservations are not in the same class. The one reservation is a general reservation on which locations or allotments may be made from time to time; and as has been the history in the case of Executive orders of exactly the same character, the other lands, aside from the specific locations, can be restored at any time to the public domain. The particular reservation in New Mexico, however, to which I have reference, is a withdrawal of the public lands now existing by sections and quarter sections, all previously available for settlement, scattered around through a portion of the county which is used for stock-raising purposes, and almost inevitably covering springs or water holes or adjoining the ranch of some man who is paying taxes to support the county and State government in New Mexico.

If, as is the case, or has been the case in some instances, the ranchman could buy the Indian out and get rid of him, so that



he would not interfere with the ranging of stock which pay the taxes upon the adjoining land, we might see some benefit to be derived, or at least some light in the future; but that can not be the case, for the Indians are not to get these lands by allotment and then to be dealt with as citizens of the United States; but these lands are reserved for these Indians, not allotted to them, by the President's proclamation. They are reserved for the use of the Navajos and such other Indians as the department may see fit to place upon them.

These are the conditions generally that we in the West are combating, and I may say that it is because we are insisting not that any property be taken from the Indians but that the Indians be not allowed to take from the States or the counties or the municipal subdivisions of States the tax-paying property within their counties, that some of us have the reputation with the Indian Rights Association and others of attempting to deprive the noble red man of that which is justly his due.

Now, I will get back to the specific question about which the Senator from Washington asked information unless he has something else along that line which he desires to ask.

Mr. JONES. I was going to ask the Senator whether there is any reason, based upon the conditions existing there or the character of the Indians or the character of the lands or otherwise, why those lands should not be allotted to the individual Indians, so as to make them citizens, or hold out the hope at least some day of having their lands subject to the burdens that must necessarily fall upon the State and the county?

Mr. FALL. Mr. President, there are no reasons for not affording us as much relief as could be afforded us, except simply the misinformation, or lack of information, or woeful ignorance existing in the minds of people who have to deal with the Indians and the Indian subject generally. There are no reasons. I will say to the Senator that within the last 10 years these Executive orders have been issued withdrawing more than 3,000,000 acres of land in New Mexico for the purpose of further allotting lands to Indians. Some of these withdrawals were in this very county of San Juan, where the bridge is of which we are speaking. Later it was discovered that the Indians had ample lands after additional allotments had been made; and President Roosevelt canceled these withdrawals, restoring the land to public entry, so that the people of New Mexico or the homesteaders of the United States coming into New Mexico might find homes. So in that instance the original withdrawal was revoked, affording us some relief.

Mr. JONES. What was the agricultural character of these lands generally?

Mr. FALL. What does the Senator have reference to—these particular lands?

Mr. JONES. The lands that have been set aside for these Navajo Indians.

Mr. FALL. I will say to the Senator that they are principally valuable for grazing purposes. Under the theory of the 640-acre homestead bill which we have just passed they would be classed as lands susceptible of raising forage crops.

Mr. JONES. In the judgment of the Senator, how much land would be sufficient to make reasonable provision for the livelihood of an Indian family?

Mr. FALL. As I have said to the Senator, within the Navajo Reserve itself, counting every Navajo Indian on and off the Reserve, there are 1,100 acres to each Indian. That is over twice as much as any white citizen of the United States can acquire. Every Navajo Indian alive—man, woman, and child—on and off the Navajo Reserve to-day has a right to 1,100 acres of land within the Navajo Reserve; and they are still extending the Navajo Indian's rights to the public lands of the United States and holding the white citizen of the United States down to the acquisition, under this most recent bill, of 640 acres.

Mr. JONES. But I understand that even with that allowance there have been no allotments made to the particular Indians, but that the whole amount is held in common. Is that true?

Mr. FALL. The Senator is mistaken in this respect—that within the exterior limits of the Navajo Reserve individual allotments have been made, but no muniments of title have been issued. In other words, this Indian or that Indian or the other Indian has had pointed out to him, and he has been allowed to take possession of, certain lands within the reserve. Now, instead of taking the Indians on the outside of the reserve and putting them back on the inside of the reserve and allotting them the excess lands, they allot them lands on the public domain, and hold in common for the tribe all the unallotted lands within the exterior limits—and this, I may say to the Senator, is a matter of history—in the face of a solemn treaty by which the Navajo Indians acquired their present reserve in

1868 under a pledge that they would not avail themselves of the privilege extended to other Indians of acquiring homes or lands upon the public lands of the United States.

Mr. JONES. As I understand, there are about 30,000 of the Navajo Indians.

Mr. FALL. Between 30,000 and 40,000.

Mr. JONES. And within the exterior limits of the reservation there are—

Mr. FALL. Eleven hundred acres for each one.

Mr. JONES. Eleven hundred acres for each one. That would be some 33,000,000 acres. Now, how much outside of the exterior lines has been allotted to these Indians?

Mr. FALL. At one time there were 168,000 acres, I think, out of a withdrawal of something like 1,200,000, and then the excess was thrown back into the public domain. At another time there was some 40,000 or 50,000 acres. There have been so many locations made of the same character that I spoke of here a few moments ago that it is impossible for me to keep them all in mind; but I should say that there have been allotments in small quantities for individual Indians amounting to three or four hundred thousand acres more on the outside.

Mr. JONES. What sized allotments are made outside of the reservation to individual Indians?

Mr. FALL. Under the laws of the United States the individual Indian is only supposed to be entitled to the same amount of land as the individual white man; that is, 160, 320, or, now, 640 acres. In spite of the treaty, in the face of the treaty agreements by which he got that which he has in his reserve, he now can take up 640 acres of the public domain and still own his 1,100 acres within the exterior limits of the Navajo Reserve—a total of 1,740 acres to an Indian, and 640 acres to a white man.

Mr. JONES. How many of the Indians have gone outside of the exterior boundaries?

Mr. FALL. Something like 9,000, and they are still locating them in New Mexico.

Mr. JONES. Leaving about 20,000 occupying these 33,000,000 acres.

Mr. WALSH. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. FALL. I do.

Mr. WALSH. That seems a very large body of land to give to a single individual—1,100 acres. I call the attention of the Senators, however, to the fact that every Indian on the Crow Reservation in my State owns an undivided interest in 1,435 acres. I have been vainly endeavoring to get the Indian Affairs Committee to see that that is too much land for the Indians; and I dare say, although I do not like to institute any invidious comparisons between the land in New Mexico and the land in Montana, that, acre for acre, the land in this Crow Reservation is about as good as the land in the Senator's State.

Mr. FALL. I have no doubt that as an agricultural proposition the land there is very superior to the greater part of the land in my poor State.

Mr. President, just along the line of the value of these lands, it is estimated—I have seen the estimates from the Geological Survey, I believe, of the United States Government—that there are 180,000,000 tons of coal in sight on the Navajo reserve to-day; and still we complain of the high price of coal in the United States. No man can work any coal on the Navajo reserve. The Navajos will not work it. No white man can go in there. The department will not favor a bill to lease it to them, so that it can be developed. The Navajos get nothing from it. As a matter of fact, if their lands were developed the Navajo Indians to-day would be among the richest Indians in the world, or among the richest men in the world. The Navajo Tribe of Indians to-day in potential wealth are wealthier than the same number of American citizens residing in any State in the United States; but they are not allowed to, or at least do not, under our beautiful system of government receive any benefit from their wealth except as they use the surface of the ground for grazing sheep. That is practically their industry. They are also makers of blankets and are silversmiths of no mean ability. From the time of the coming of the Spaniards into the country the Navajos have understood the trade of silversmithing as well as any people in this country. They do some mining, on a small scale, for the purpose of finding gems with which to set their silver work. Aside from that, no mining is done. The copper and silver and gold wealth on the Navajo reserve is estimated at fabulous sums; but of course, as we know in the West, matters of that sort are generally exaggerated, and I spoke of the coal simply because, as I say,



we have Government reports showing something like 180,000,000 tons of coal in sight, now entirely undeveloped, and nobody allowed to touch a pound of it.

There is no necessity for moving the Navajo Indians on the public domain anywhere in the United States. The Navajo Indians are self-supporting. They need no appropriations, reimbursable or otherwise, from the Government if the Government of the United States can succeed in placing some man with a little common sense at the head of the Indian Bureau and having it run as a business matter.

That is all in the world that is necessary in New Mexico. The Senator speaks of the acreage. Why, the Mescalero Apache Indians, largely in my county in New Mexico, have 641,000 acres to 424 Indians; and still they are so beautifully managed that other Indians have been brought in as prisoners of war from Fort Sill and planted among those Mescaleros and allotted lands belonging to the Mescaleros themselves under the beneficent action of the Indian Bureau here, and now are receiving a portion of the proceeds of the rentals of the Indian lands where the Chiricahau Indians themselves do not use them for stock purposes. They are not akin, not the same people; but Apache Indians from the Chiricahau and the Warm Spring Reserves in the State of Arizona have been brought into New Mexico and set down at Mescalero and one-third of the property belonging to the Mescalero Indians given by an arbitrary act of the Commissioner of Indian Affairs to the Fort Sill Apache Indians.

Wealth? Untold wealth—coal, timber, iron, copper, gold, and silver—lying at the doors of the white man, lying on the railroad, within 3 to 5 miles' haul of the railroad in New Mexico. Not a pound of coal can be extracted; not a pound of ore or iron or copper or gold or silver can be extracted for the benefit of the Indians or for the benefit of the community. Millions and millions of dollars of property are locked up, so that the white man can not obtain one dollar of it for the purpose of paying taxes; and still the people of the surrounding counties of Chaves, Lincoln, and Otero, in New Mexico, are compelled to support the governments, pay the county officials, pay the sheriffs for preserving peace and protecting the Indian property, and pay all the expenses of running the government, while the Indians, with millions of dollars of property locked up, of no avail, no good to themselves, contribute not one dollar in taxes to the white man's Government or for their own protection. Then, when we build roads, bond ourselves, place a mortgage upon the future of our children and upon our present property and prosperity, and build roads up to each line of the Indian reserve, 60 or 80 or 90 miles square, we are stopped at the borders because we have no authority to enter, and the United States Government, except by special request, possibly after years of work, will not contribute one dollar to help construct a highway across the reserve.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 41, after line 10, to insert:

To enable the Secretary of the Interior to lease for the benefit of the Navajo Indians in New Mexico such railroad lands as he may deem necessary for their welfare, \$15,000, to be immediately available, and to be reimbursed under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. SMOOT. Mr. President, was this item recommended by the Secretary of the Interior?

Mr. ASHURST. It was not estimated for.

Mr. SMOOT. I know that it was not estimated for; but was it recommended by the Secretary of the Interior or the Commissioner of Indian Affairs?

Mr. ASHURST. The assistant commissioner presented a statement embracing the legislation he wished; but it was not, I presume, according to the strict letter of the law estimated for, and is one of the very few items in the bill which are not estimated for. There are a few of them.

Mr. SMOOT. Mr. President, I thought it was rather an innovation to appropriate money in an Indian appropriation bill for the purpose of leasing lands from railroad companies.

Mr. LANE. Is it not largely to secure water? I have seen the statement made that they have been using these lands for many years, and water holes are very few and far between, and then ranging back on their reserves; and it is for the purpose of securing water. That is my understanding.

Mr. ASHURST. Yes; that is true.

Mr. SMOOT. Then the wording of the amendment is very unfortunate, because it says:

To enable the Secretary of the Interior to lease for the benefit of the Navajo Indians in New Mexico such railroad lands as he may deem necessary for their welfare, \$15,000.

Mr. ASHURST. I can explain that, if the Senator will permit me. The grant was made to this railroad company in 1866.

Long anterior to the time the grant was made the Indians did use these water holes, and, following their ancestral traits, they do not like to leave them. The Government wishes, if it can make the arrangement with the owners of these lands, to lease these various water holes, as we call them in the West, or watering places, for the benefit of the Indians.

Mr. SMOOT. I understood the Senator from New Mexico [Mr. FALL] to say that the number of sheep owned by the Navajo Indians was such that it required a greater area of land for grazing purposes, and he referred to this item particularly as showing the necessity of it. What I wanted to get at, however, was this: \$15,000 is 3 per cent on \$500,000. Does the Senator think that the railroad lands in which these water holes are located are worth \$500,000?

Mr. ASHURST. I could not pass any opinion on that matter, Mr. President.

I want to be courteous in the statement I am going to make, but I think the time has arrived when I ought to say a few words.

Men whisper around this Chamber, in words they do not dare to say in public speech, that there is something wrong with this bill. Mr. President, the only thing wrong with this bill is that the poor, unfortunate wards who are going to be taken care of in this bill can not vote. If the Indians whom this bill seeks to take care of could vote, Senators would be rushing forward with amendments asking for increased appropriations. But since these poor, unfortunate wards, whom we have dispossessed many times against their will, and whose will we have overridden, can not vote, Senators are very touchy about the Public Treasury.

Mr. FALL. Mr. President, will the Senator yield for a question?

Mr. ASHURST. I yield.

Mr. FALL. Did not the Senator recently make rather a campaign in his State against this great withdrawal of 3,000,000 acres?

Mr. ASHURST. I did not understand the Senator's question.

Mr. FALL. The Senator speaks of somebody objecting to expenditures, and of the fact that these Indians can not vote. I ask the Senator if he did not discuss this withdrawal that he said was made in his own State for the benefit of the Navajo Indians, and if he did not do all that he could against it?

Mr. ASHURST. I did, because the withdrawal was too large.

Mr. FALL. Exactly. The Senator was after votes at that time, was he not?

Mr. ASHURST. I was; and while the Senator is talking about votes, I will say that a Western Senator who comes to this Capitol and attempts to urge anything in behalf of the Indians or their rights puts himself in jeopardy. Because I happened to vote for and insist on a small appropriation for the benefit of a little, obscure tribe in the Salt River Valley certain newspapers come out with flaming headlines:

Astounding! Senator ASHURST grabs water from vast acreage in the Salt River Valley and gives it to the Indians!

Mr. President, as I say, I do not want to be discourteous; but it is getting tiresome to hear Senators continually inveigh and inveigh against items in this bill. Senators have a right to their opinions, and I hope that I have not offended the proprieties; but I answer that if they are going to be economical they should select something other than the wards of this Government.

Mr. SMOOT. Mr. President, I know that any newspaper article that might reflect upon the Senator from Arizona would not be considered for a moment by any Senator in this body. I want to say to the Senator that I believe that he himself, as chairman of the committee, believes that there are items in this bill that never ought to have been there.

Mr. ASHURST. Why, certainly I think so; but, Mr. President, every piece of legislation that ever passed this body has contained some features that I did not like. There are some features of all legislation that we do not like. That is quite true.

Mr. SMOOT. I hope the Senator does not take anything I have said as a personal affront, or think that what I have said casts any reflection on him. Far from it; because I want to say right now that this is the best Indian appropriation bill that has been reported to the Senate since I have been in the Senate, for 14 years.

Mr. ASHURST. I thank the Senator.

Mr. SMOOT. I want to say, however, that there are a lot of items in the bill that never ought to have been there, and the Senator knows it.

Mr. ASHURST. That is true.



Mr. SMOOT. Take this item that I have just asked about. What we ought to do when we are looking after the wards of the Government is to look after their interests and the interests of the United States at the same time, just as we would do if it were a business proposition between the Government and any other corporation or individual. I know the Senator will agree at least to that much; and I may go on and say, further, that we ought to be more particular about looking after the Indian as a ward than we are with a corporation or an individual that can take care of himself. But here is a new thing, a new policy; and I was trying to figure out whether or not it was a good policy, for instance, to appropriate \$15,000 to be reimbursed out of the Indian funds for the purpose of leasing lands owned by railroads. I called the attention of the Senator to the fact that \$15,000 meant the interest on \$500,000, at 3 per cent; and I asked him, with all sincerity, whether he thought that the lands on which these water holes existed, and which were owned by the railroads, were worth \$500,000, or whether it was not possible that we were appropriating too much money for them?

Mr. ASHURST. That all may be. The department presented the legislation. It was discussed at some length and was finally agreed to. Possibly it may be a little large. If it could be reduced, I presume there would be no objection. I do not know the lands that are proposed to be leased, save and except that the department said that they are certain lands upon which there are water holes which the Indians had used for a great number of years anterior to the granting of the lands to the railroad. If the Senator feels that the item ought to go out, I shall not object, of course.

Mr. SMOOT. I will ask the Senator to consent that it may go over for the day, and I will try to learn a little more about it.

Mr. ASHURST. Certainly; let it go over.

Mr. WALSH. Mr. President, before the Senator from Utah takes his seat let me say that he referred to a departure and the inauguration of a new policy.

Mr. SMOOT. Yes.

Mr. WALSH. If this appropriation evidenced the policy of leasing railroad lands for the purpose of allowing them to be utilized by Indians generally, it would, of course, interest all of us living in those States in which great railroad grants have been made; but I will say to the Senator from Utah that I do not understand that it evidences anything like a general policy. The conditions in this particular place seem to be peculiar. It was represented to us that a considerable portion of the lands within the reservation—I speak now of the representations made to the committee—that would be available for grazing purposes would be useless to the Indians if they were not able to hold the water holes outside; that the railroad lands were rapidly being disposed of by lease or by sale to stock raisers; and that there was a likelihood that these water holes would pass out of the control and use of the Indians.

Mr. ASHURST. Mr. President, will the Senator yield to me right there?

Mr. WALSH. Certainly.

Mr. ASHURST. It is not a pleasant history when we reach this particular part of the Indian country lying, we will say, if the Senator will pardon me, between Gallup, N. Mex., and the town of Winslow, Ariz. Ever since I can remember there have been disputes over the water holes. I especially ask the attention of the Senator from Utah [Mr. Smoot] on this point, right here.

Mr. SMOOT. I am listening to every word the Senator says.

Mr. ASHURST. In 1879, 17 families—as fine a set of families as live in any State—went upon what they thought was public domain. The maps of the United States showed the country there to be public domain. Those men and women—some of the most distinguished citizens of the State of Arizona, some of them now citizens of Utah—settled on those lands. Later the Government came to the conclusion that it wanted those lands for the Indians. Those 17 families, in the wintertime, without having had an opportunity even to gather up their cows and their horses and their chickens, were ejected in the snow and were required to wander over the face of the earth for some years, and were never paid any damages by this Government. I have here a bill—and I am going to press it—to reimburse those people. So, Mr. President, the differences are being composed. The Indians have always insisted upon a large part of the lands lying between Gallup, N. Mex., and Holbrook, Ariz. The Government has made great exchanges of land for the benefit of the Indians. The railroad company has given up a large part of its grant and taken lieu land elsewhere. The Government insists that some of these lands are still necessary for the benefit of the Indians. This relates to the State of New Mexico. The

Senator from New Mexico is familiar with the lands. The department insists that the lands should be leased for the benefit of the Indians, and the committee took that view.

Mr. FALL. Mr. President, will the Senator permit me to ask him a question?

Mr. ASHURST. Certainly.

Mr. FALL. What information did the Senate committee have—I was not present when this item was discussed—as to the term of the lease?

Mr. ASHURST. Why, Mr. President, the Senate committee had no information, except this: It believed—of course, it had a right to assume that the leases, if any were made with the owners of the land, would be for a term of years. I presume no time was mentioned, but a sufficient length of time to guarantee some permanency. Indeed, I do not recall that the commissioner stated to the committee that he could effect a lease at all.

Mr. FALL. Mr. President, just exactly the explanation which is being made with reference to this lease has caused the criticisms which are directed at every session at this appropriation bill. The matter that the Senator referred to a little while ago is the common argument among some short-haired women and long-haired men in the United States, that those of us in the West who are engaged in looking after the interests of our own constituents, whenever an Indian is mentioned are trying to steal something from the Indian. I have heard that argument a good many times before. I was very much surprised to hear it even suggested by the Senator from Arizona; and for that reason, and that reason alone, I asked him as to his attitude before the people of his State with reference to a matter of exactly this kind. That was my only object.

I was very much surprised to hear the Senator from Arizona join in this talk to the effect that if the Indian had a vote the Senators here who were trying to do something against the Indian would be in favor of the Indian. There is no Senator on this floor, in my judgment—certainly no Senator from the West—who has not at heart the true interests of the Indian; not one. There is not one who would see injustice done him, The Senator from Arizona, in my judgment, would not see injustice done the Indian by this Congress if he could throw light upon the subject. The trouble about it—the criticism about it—is that the Senator brings in a bill here, and when an item is questioned, when he is asked for information about it, when he is asked what the term of the lease is, when we are asked to appropriate \$15,000 for an unlimited, unknown amount of land, with no term of lease, no character of lease, what is the Indian to get for the money? But when we ask questions about it, then we are told that "if the Indians had a vote you would be willing and objections to appropriations of this kind would not be made."

Now, as a Senator from New Mexico I want to say to the Senator from Arizona that I have no objection to this appropriation, but before the Senate votes \$15,000 of the people's money away from them I want to know what it is for; I want to know whether the Navajo Indians are going to get any benefit from it, and I do not want to leave it simply to a clerk in the commissioner's office here to spend the money as he pleases.

Mr. President, some land in New Mexico leases for 3 cents per acre per annum. Lands on the forest reserve lease for \$1 per head per cow per annum. There is a basis upon which any man in the Indian Department knowing anything under the heavens about the character of these lands and about the necessity of acquiring them for the Indians can form an opinion as to what price should be paid for a certain term for the use of the lands by the Indians.

The Senate has absolutely no information upon the subject. This entire appropriation of \$15,000 can be expended in the discretion of a clerk in the Indian Department for the use of 160 acres or 10 acres of land for one year or for one month. Has the Senator any information to the contrary?

Mr. ASHURST. In reply to the speech of the learned Senator, I wish to say that I think a part of his criticism is just in this respect. The Senate committee—that is, I speak for myself as chairman of the committee, and I will say that I am not in the possession of as much information on this item as I would like to have. The only information of which I am possessed is that when we had just about concluded the bill the department sent, through its assistant commissioner, a statement to the committee that owing to the fact that a large number of the Indians had lived for years upon certain lands that were subsequently granted to a railroad company the department wished if it could to enter into a lease with the owner of those lands for the benefit of the Indians, so that the Indians might occupy the land.



Mr. FALL. The Senator may remember that he insisted on passing a bill last year exchanging with the Santa Fe Railroad, or the Atlantic-Pacific land in McKinley County, N. Mex., and one of the counties in Arizona for the very purpose of allowing the Indians to have such land in fee.

Mr. ASHURST. I think some provision was in the bill of that kind. I do not recall it, but undoubtedly there was.

Mr. FALL. Then why do not the Indian Department, as sensible men would do, treat the whole matter in one bill instead of by piecemeal, requesting the Senate to act without information?

Mr. ASHURST. There is another criticism in which the Senator is eminently just.

Mr. FALL. Then—

Mr. ASHURST. Just one moment. I have been perplexed very much by the very suggestion the Senator makes. The department, instead of sending estimates at one time, brings in new items every day, apparently. The Senator's criticism on that point is just.

Mr. FALL. Does not the Senator from Arizona join the Senator from New Mexico in the determination not to adopt this measure until he has something from the department showing that the \$15,000 will be expended for the benefit of the Indians?

Mr. ASHURST. I did not clearly hear the Senator.

Mr. FALL. Will not the Senator from Arizona join the Senator from New Mexico in objecting to the appropriation of \$15,000 until he has full assurance from some reliable source that the \$15,000 will be expended for the benefit of the Indians?

Mr. ASHURST. Mr. President, if the Senator will pardon me; I have so much regard for the Senator and for his knowledge of his own State that if he will here make a point of order I would not resist it.

Mr. FALL. Mr. President, I have heard that before. I have heard it intimated that Senators would like to have a point of order made from the other side. The Senator from New Mexico will not accommodate the Senator from Arizona and make a point of order upon this item.

Mr. ASHURST. I wish to say that I made the point of order in the committee because—

Mr. FALL. Then the Senator can repeat the point of order here.

Mr. ASHURST. The language as presented to the committee had in it the State of Arizona, and I said I had no objection to it if the State of Arizona were eliminated.

Mr. FALL. Exactly; it made no difference what they did to my State, but the Senator wanted to protect his State.

Mr. ASHURST. The Senator is a member of the committee, and he never came before the committee.

Mr. FALL. No, sir; the Indian Affairs Committee sat for three months at a time listening to attorneys from Washington arguing cases of private claims, individual claims, that had been argued and reargued, to my personal knowledge, for five years. The Senator from New Mexico did exempt himself from all the meetings of the committee except one; but the Senator from New Mexico had a right to believe that the Senator from Arizona, the chairman of the committee, if he thought an amendment of this kind was unjust to his own State, would without further information object to it as a Senator from the United States and not of the State of Arizona.

Mr. ASHURST. Mr. President, to settle further dispute, I make a point of order on it myself.

Mr. FALL. Very well.

The VICE PRESIDENT. What is the point of order?

Mr. ASHURST. That it was not estimated for and not reported as a separate measure by a standing committee of the Senate.

The VICE PRESIDENT. It was reported from a standing committee of the Senate. The Senator is, I think, the head of a standing committee.

Mr. ASHURST. I say it was not reported in a separate bill.

The VICE PRESIDENT. It has been reported by the Committee on Indian Affairs.

Mr. ASHURST. Very well.

The VICE PRESIDENT. If the Senator withdraws the amendment, he can do so.

Mr. ASHURST. I will not withdraw it.

The VICE PRESIDENT. It is in the bill regularly.

Mr. ASHURST. I will not withdraw it, Mr. President.

Mr. SMOOT. I ask that it may go over until to-morrow.

The VICE PRESIDENT. The Chair thought it had gone over.

Mr. SMOOT. I will try to find out something from the department about it.

The VICE PRESIDENT. The amendment goes over.

The next amendment was, under the head of "New York," on page 41, line 18, to change the number of the section from "13" to "14."

The amendment was agreed to.

The next amendment was, under the head of "North Carolina," on page 42, after line 1, to strike out:

SEC. 14. For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, \$30,000; for general repairs and improvements, \$6,000; in all, \$36,000.

And insert:

SEC. 15. For support and education of 190 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, \$31,660; for general repairs and improvements, \$6,000; for assembly hall and gymnasium, \$4,000; for the purchase of additional land for school farm, \$10,000; in all, \$51,660.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," on page 42, line 14, to change the number of the section from "15" to "16."

The amendment was agreed to.

The next amendment was, on page 43, line 7, after "\$7,000," to strike out "in all, \$75,800" and insert "for construction and equipment, gymnasium building, \$25,000; in all, \$100,800," so as to make the clause read:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, \$68,800; for general repairs and improvements, \$7,000; for construction and equipment, gymnasium building, \$25,000; in all, \$100,800.

The amendment was agreed to.

The next amendment was, on page 43, line 13, after "\$5,000," to strike out "in all, \$43,540" and insert "for assembly hall, \$10,000; for employees' cottages, \$7,000; in all, \$60,540," so as to make the clause read:

For support and education of 220 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, \$38,540; for general repairs and improvements, \$5,000; for assembly hall, \$10,000; for employees' cottages, \$7,000; in all, \$60,540.

The amendment was agreed to.

The next amendment was, under the head of "Oklahoma," on page 43, line 17, to change the number of the section from "16" to "17."

The amendment was agreed to.

The next amendment was, on page 43, line 23, after the words "sum of," to strike out "\$25,000" and insert "\$30,000," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$30,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

The amendment was agreed to.

The next amendment was, at the top of page 46, to insert:

For continuing the relief and settlement of the Apache Indians formerly confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands in Oklahoma to be selected for them by the Secretary of the Interior and the Secretary of War, \$40,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe, and to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 46, after line 14, to insert:

That all of Osage County, Okla., shall hereafter be deemed to be Indian country within the meaning of the acts of Congress making it unlawful to introduce intoxicating liquors into the Indian country.

The amendment was agreed to.

The next amendment was, on page 46, after line 18, to insert:

The act of Congress approved June 28, 1906 (34 Stat. L., p. 539), and the act of Congress approved April 18, 1912 (37 Stat. L., p. 88), authorizing the expenditures from Osage tribal funds of not exceeding \$50,000 for schools and \$40,000 for agency and emergency purposes, or an aggregate of \$90,000, are hereby amended to provide that hereafter not exceeding such aggregate amounts may be used for such purposes when authorized by the Secretary of the Interior in such manner as he deems for the best interests of the Osages, not exceeding, however, in the aggregate the amounts so authorized: *Provided*, That the foregoing provision shall also be applicable to the use of such funds during the present fiscal year: *Provided*, That such amount of the above appropriation for support of Osage schools may be used, in the discretion of the Secretary of the Interior, for the same purposes as provided in the third paragraph of section 4 of the act of June 28, 1906 (34 Stat. L., p. 539), until July 1, 1918, on the condition of establishing vocational instruction in said schools.

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to insert:

That the Secretary of the Interior is hereby authorized to cause an appraisal to be made, on a fair and reasonable basis, by disinterested appraisers, of all lands of Osage County, Okla., owned by Osage Indians as allottees or as heirs of tribal members, and the appraisal so made may be taken as a basis for the adjustment and settlement of any exception or claim made by any such Indian or by any officer of the United States in his behalf with respect to any assessment heretofore made or that may hereafter be made prior to July 1, 1917; and the Secretary of the Interior is hereby authorized to use the sum of



\$5,000, or so much thereof as may be needed, from the funds of the Osage Tribe to defray the expense of such appraisal.

The amendment was agreed to.

The next amendment was, under the head of "Five Civilized Tribes," on page 48, line 7, to change the number of the section from "17" to "18."

The amendment was agreed to.

The next amendment was, on page 48, line 21, after the word "conveyed," to insert "by fee simple title," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of \$50,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Chickasaw Tribe of Indians, and to use the same for constructing and equipping dormitories at the Murray State School of Agriculture at Tishomingo, Okla., at a cost not to exceed said sum, for the accommodation of Chickasaw children and, in the discretion of the Secretary of the Interior, of any other pupils attending said school: *Provided*, That this appropriation shall become available after the said city of Tishomingo shall have donated and conveyed by fee simple title to said tribe suitable and necessary sites upon which same are to be constructed.

The amendment was agreed to.

The next amendment was, on page 49, line 16, after the word "act," to insert "except that the Secretary of the Interior is hereby authorized, within 30 days after the passage of this act, to investigate claims not to exceed \$1,050 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw and Chickasaw Nations, and Henry W. Blair, Kappler and Merillat, James K. Jones, Charles Fecheimer, and Eugene Hamilton, as attorneys, which amount shall be payment in full of the said attorneys named in this act, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations, to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim, but shall be paid promptly without reference to same," so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed \$200 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act, except that the Secretary of the Interior is hereby authorized, within 30 days after the passage of this act, to investigate claims not to exceed \$1,050 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw and Chickasaw Nations, and Henry W. Blair, Kappler & Merillat, James K. Jones, Charles Fecheimer, and Eugene Hamilton, as attorneys, which amount shall be payment in full of the said attorneys named in this act, and in case such claims are found to be valid and the contracts approved in accordance with existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim, but shall be paid promptly without reference to same: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed \$8,000 out of the Chickasaw and Choctaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments.

Mr. WILLIAMS. I move to strike out that part of the bill beginning with and including line 24, page 48, including all of page 49 and that part of page 50 down to and including line 14.

Mr. ASHURST. Does the Senator's motion simply comprehend the striking out the per capita payment to the Choctaws and Chickasaws?

Mr. WILLIAMS. Yes; and the amendment to it which is a part of it.

Now, Mr. President, I do not wish to take up the time of the Senate uselessly. I offered an amendment to the bill to safeguard the rights of the Mississippi Choctaws. This amendment in one form or another I had offered in two preceding Congresses, and the Senate twice agreed with me about it and twice disagreed to the Committee on Indian Affairs.

The matter was brought up again at the last Congress. I consented to forego the amendment then upon the assurance of the chairman of the committee, of the Senator from Oklahoma [Mr. OWEN], and of various members of the committee that the

amount then sought to be distributed would leave plenty of money in the fund to take care of any rights which the Mississippi Choctaws had.

Then this session came on; it was a short session crowded with business, and I understood from members of the committee, including the chairman of the committee, that the committee would strike out the distribution and thereby would hold the whole matter in abeyance until the next session of Congress, where it could be dealt with more satisfactorily than in this session of Congress.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Will the Senator from Mississippi yield to the Senator from Kansas?

Mr. WILLIAMS. One word and I shall yield. Notwithstanding that, the matter was taken up in the committee again and by a tie vote the resolution of the Committee on Indian Affairs to keep this distribution out of the bill at this time was defeated.

Now, then, I am prepared, unless my motion to strike out is sustained, to read all the hearings of the committee and some little parts of the Encyclopedia Britannica in order that the rights of the Choctaw Indians may be maintained, because if the allotment now made passes through there will not be a dollar left to protect the rights of these people. I am willing that their rights should be protected in any way which the committee itself may fix, though I would prefer, of course, the adoption of the amendment which I had introduced and which I will insert as a part of my remarks right here.

The amendment submitted by Mr. WILLIAMS December 18, 1916, proposes to insert the following:

The Secretary of the Interior is further authorized and directed to enroll as members of the said Choctaw Tribe of Indians all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provision of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled; and he shall also enroll all full-blood Mississippi Choctaws not heretofore enrolled and all persons who may satisfactorily establish their rights as descendants of Choctaws to whom privileges were guaranteed by the provisions of articles 14 and 19 of the treaty of 1830, known as the treaty of Dancing Rabbit Creek: *Provided*, That when so enrolled there shall be paid to each and every person in lieu of allotment, out of the funds in the Treasury of the United States to the credit of the Choctaw Tribe, a sum equal to twice the appraised value of the allotment of the Choctaw Tribe as fixed by the Commission to the Five Civilized Tribes for allotment purposes: *Provided further*, That in cases where such enrolled members or their heirs are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payment and use the same for the benefit of such restricted Indians: *And provided further*, That the Secretary of the Interior is authorized, under such rules and regulations as he may prescribe, to determine whether any attorney or attorneys have actually rendered services of value to any of the persons herein enrolled and to allow compensation therefor, including proper and necessary expenses incurred in connection with services rendered, in such amounts as he may deem proper, and to pay the amount or amounts so fixed and found to be due such attorney or attorneys and deduct the same from the amount paid to the person enrolled as herein authorized: *Provided*, That before payment is made to any attorney or attorneys there shall be filed a receipt in full of all claims or demands on the part of such attorney or attorneys in such form as may be prescribed by the Secretary of the Interior.

Mr. WILLIAMS. Now, I will yield to the Senator from Kansas.

Mr. CURTIS. Mr. President, I was one of the Senators who voted to strike out this provision in the committee, and I want to ask the chairman of the committee if, in view of the statement which was made to the committee by the Senator from Oklahoma, he does not feel justified in having a vote taken now without a long debate upon this question?

Mr. ASHURST. If the Senator will pardon me, I believe I can save some time.

Mr. President, the Senator from Mississippi has correctly stated what happened in the committee. It was the subject of a very animated and a very lengthy discussion, and the motion to strike out this provision was lost by a tie vote of 7 to 7. I trust I am not violating any confidence of the committee when I say that I am going to vote to strike it out. My attitude was made known to my fellow committeemen, and I stated that in the Senate I would vote to strike it out. I do not wish to debate it.

Mr. WILLIAMS. Very well, then, I hope the Senate will vote to strike it out.

Mr. GRONNA. Mr. President, just one word.

I want to say to the Senate it was stated by the assistant commissioner that the Choctaws and Chickasaws in Oklahoma are not in need of this money at this time. I asked the question in the committee if the Indian Office thought the Indians could get along without the money this year, and the answer was that they thought they could. We distributed to these Indians about \$8,000,000 during the last year. Like the Senator from Kansas, I joined in an effort in the committee to strike out of the bill this provision.



Mr. VARDAMAN. Mr. President, I wish to suggest to the Senator who has just taken his seat that the Oklahoma Choctaws and Chickasaws are not in need of it, but, as has been so often stated, the Choctaws of Mississippi do need it very badly.

The VICE PRESIDENT. The question is first on agreeing to the amendment of the committee.

The amendment was rejected.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Mississippi [Mr. WILLIAMS] to strike out the text of the bill as indicated by him.

The amendment was agreed to.

The reading of the bill was resumed at line 15, page 50.

The next amendment was, on page 51, after line 10, to insert:

That the Secretary of the Interior is hereby authorized to pay, out of any money in the Treasury of the United States belonging to the Creek Nation, to M. L. Mott the sum of \$472.22 for services rendered the Creek Nation from January 15 to February 13, 1914, inclusive, and \$210.20 as reimbursement for actual expenses incurred in connection therewith.

Mr. SMOOT. This seems to be a private claim on an appropriation bill authorizing the Secretary of the Interior to pay M. L. Mott \$472.

Mr. ASHURST. I think the Senator from North Dakota [Mr. GRONNA] stated what is the rule of the committee. He said it was agreed that no claim of over \$100 should have any action by the committee; but if the Senator will read closely, he will see that this is not a claim against the Treasury of the United States, but "that the Secretary of the Interior is hereby authorized to pay, out of any money in the Treasury of the United States belonging to the Creek Nation." The Creek Nation wishes this sum paid and say it is their money. I wish further to say it was agreed to in 1915 by both Houses, but failed by reason of the failure of the bill. This is not a gratuity out of the Treasury of the United States.

Mr. SMOOT. I noticed that in the reading of the amendment, and I wanted some explanation about it. If the Creek Nation acknowledge the debt and want to pay it out of their own money, of course I would not object.

Mr. ASHURST. That is the case.

Mr. SMOOT. But if they had not had anything to say about it, and if it proved to be a private claim upon an appropriation bill, I was going to make a point of order against it.

Mr. ASHURST. The Creek Nation, through its duly accredited representatives a year or so ago, urged the payment of this claim.

Mr. SMOOT. That is the only way it could be done.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 51, line 24, after "\$85,000," to insert "to be reimbursable out of the estates protected whenever deemed desirable and practicable, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe," so as to make the clause read:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, \$85,000; to be reimbursable out of the estates protected whenever deemed desirable and practicable, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 52, after line 2, to strike out:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the State of Oklahoma belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$30,000; for repairs and improvements, \$4,500; *Provided*, That the unexpended balance of the \$7,500 appropriated by the act of May 18, 1916, is hereby reappropriated for the purchase of additional land; for heating systems, \$6,000; in all, \$40,500.

And insert:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the State of Oklahoma belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$30,000; for repairs and improvements, \$4,500; for heating systems, \$6,000; for new dining room and kitchen and employees' quarters, \$12,700; in all, \$53,200.

Mr. SMITH of Georgia. Mr. President, this is only an increase of about \$13,000, but I do not think it is any of the business of the United States to pay any of this expenditure. I object to the amendment of the committee, and I hope it will be rejected.

Oklahoma has perhaps the largest fund of any State in the United States for schools. When Oklahoma was admitted to

the Union we gave her a most liberal allowance for school purposes. The Indians have their own money; they are rich; and I do not see why the General Treasury should be taxed to run a school of this sort. It seems to me it is a responsibility of Oklahoma and not of the Treasury of the United States. At least, I ask that the increase provided for by the committee be rejected, and I hope we shall disagree to this \$13,000 increase. I do not think we ought to pay any of it.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 53, line 22, after the word "buildings," to insert:

*Provided further*, That after the lands have twice been offered for sale at public auction the Secretary of the Interior, under rules and regulations to be prescribed by him, shall cause to be sold to the highest bidder, in such manner and upon such terms as he may deem advisable, the surface of any lands remaining unsold and of any surface lands forfeited by reason of nonpayment of any part of the purchase price.

Mr. LANE. Mr. President, the fault which I have to find with this amendment is that it allows these lands to be sold on terms of any sort which are deemed proper by the Secretary of the Interior, who secures his information from the Commissioner of Indian Affairs, to whom such information is furnished by agents of the Indian Bureau. It is a grant of too much authority. It should be more specific. In the past the Indians have suffered greatly from such grants of authority without limit—unlimited grants. I believe this to be one of the greatest evils in our management of the affairs of the Indians. I know Indians were here a while back when a large property of theirs was being sold which was of great value. They protested against the methods which were employed; yet the matter was taken in hand by the bureau, and those lands were sold at what has since proven to have been an actual loss, or a failure to secure anything like the value of the land to the tune of millions upon millions of dollars.

The Indian Bureau laid down a rule—and I have a copy of it here—by which they sold the lands, or the product of the lands, only to such persons as were desirable. Now, think of it! It was oil land, and its purchasers must be "desirable," they must have the cash to pay down, in order to secure the property which they were after. In addition to that, they must be experienced in the oil business. Who was it got the land and who was the most experienced? A set of gentlemen in the country who were in the oil business—it was the good old Standard Oil Co. or its subsidiaries who got the land. The good old Standard and its subsidiaries were the people who had the most cash with which to bid, and also they had control, in a way, of the banks. If such an undesirable person as any Member of the Senate wanted to secure such property, and had to advance the cash, and went to these banks for it, he would have a rather difficult time in establishing credit; he might do so, and then again he might not; but, at any rate, it excluded ninety-nine American citizens out of every hundred from bidding at all. The fact is, it confined the bidding to a few "desirable" persons who had plenty of money and lots of experience, and knew more about the oil business than anybody else in the world, perhaps.

These large grants of authority to make rules and regulations and under such conditions as may be prescribed by a man or a bureau that has been carrying on a system of managing their affairs which has resulted in such unfortunate happenings to the Indians, I think ought to be cut out of the bill. I think it is too large a grant of authority to be left in the hands of a bureau which has not proven its ability to do much of anything in a proper, businesslike manner for a lot of helpless dependents and wards. I shall object to that, and I shall ask that the amendment go over. I will see if we can not get some provision in it which will cure it.

The VICE PRESIDENT. Does the Senator from Oregon ask that the amendment go over?

Mr. LANE. Yes; I ask that the amendment go over.

The VICE PRESIDENT. Is there objection?

Mr. ASHURST. I have no objection.

The VICE PRESIDENT. The amendment goes over.

Mr. WALSH. Mr. President, I wish to say to the Senator from Georgia [Mr. SMITH], who voiced some objection to the amendment in the bill referring to an Oklahoma item, that we ought at least, in the absence of the two Senators from Oklahoma, to have whatever information was given to the committee concerning the necessity for the proposed increase in that item. The Senator knows that at least one of the Senators from Oklahoma is confined to his room by severe illness and the other Senator is absent from the city on some important official business. I thought it was perhaps a little hasty to reject the



amendment without even listening to what could be said in explanation of it, in the absence of the two Senators.

Mr. SMITH of Georgia. I did not know that they had any special interest in it.

Mr. WALSH. I am not advised as to that myself.

Mr. ASHURST. Mr. President, the item as agreed to by the Senate committee was in accordance with the estimate. I called attention to the fact that the House reached the conclusion that \$40,500 was sufficient. The Senate committee took the view that the estimate of the department was the amount that should be appropriated.

Mr. SMITH of Georgia. The increase was not made especially at the instance of either of the Senators from Oklahoma, was it?

Mr. ASHURST. I do not recall that they urged anything.

Mr. FALL. Mr. President, will the Senator allow me?

Mr. ASHURST. I wish to correct myself—

Mr. FALL. I desire to call the attention of the Senator from Georgia to this item, and to give my experience with reference to items of this character. I do not know exactly the situation, but I think the Senator will find this to be the case: The necessity for additional quarters for nearly all of the Indian schools all over the United States which receive appropriations from the United States Government, either directly or by reimbursable funds, arises from the increasing number of pupils. Now, if the schools ought to be done away with, then they should be done away with.

Mr. SMITH of Georgia. Or else no more children should be admitted to them.

Mr. FALL. Or else no more children ought to be admitted to them.

Mr. SMITH of Georgia. I do not see why the National Government should support Indian schools in the State of Oklahoma.

Mr. FALL. The Senator may be right; but the Senator's objection has not reached that point, for, even though the Senate committee amendment is rejected for the support of this Indian school in Oklahoma, there will still be left an appropriation of \$40,500; and I thought possibly the Senator had not noticed why the increased appropriation was provided. In the item as it is left under the Senator's objection there is an appropriation of \$6,000 for heating apparatus, and so forth. I have no earthly interest in this matter except to call the attention of the Senator from Georgia to the state of the facts that the appropriations down to and including the item for heating apparatus are left exactly as they were, and the additional appropriation is "for a new dining room and kitchen and employees' quarters, \$12,700." That is the new appropriation. I presume, from my own experience with similar cases, that it is needed because of the fact that the dining room is out of repair or that there are not sufficient quarters in which to house the present force.

Mr. SMITH of Georgia. Or the employees want some new quarters to be fixed up a little more nicely than they were before.

Mr. FALL. I am sure I can not say as to that; but I have found it to be the case that one House or the other of Congress is continually attempting to make a record for economy and hoping that the other House will put in the necessary items. Time and again we find it to be the case that where provision is made granting authority for an increase in the number of pupils to be taught at a certain school, and an increased amount made for maintenance, there is not an increase in the appropriation or any appropriation at all made for additional quarters; for instance, for dormitories.

I have heard exactly the same objection urged to an increase in appropriations for dormitory room in cases where it was impossible to house the additional children, although there was no objection at all made by the Senate or by the committee to an increase in the amount of appropriations for the subsistence of the children and the teachers. It is just as necessary to have additional quarters as it is to have additional subsistence.

Mr. LA FOLLETTE. Mr. President, bearing on this matter, I call the attention of the Senator from Georgia to what was presented to the committee at the time this increase was made, and I ask to have the Secretary read it, in the absence of the Senator from Oklahoma [Mr. OWEN].

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Secretary will read as requested.

The Secretary read as follows:

The CHAIRMAN. Yes. The next item is page 41, line 22, "for the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla."

Senator OWEN. I have a letter from Mr. HASTINGS, the Member of Congress from that district, who lives contiguous to this school, and he says that he thinks the estimate by the department for the kitchen and employees' quarters of \$12,700 should be added to the appropriation there. He says:

"This item was estimated for by the Department of the Interior, and the justification for it will be found on page 242 of the hearings before

a subcommittee of the Committee on Indian Affairs, considering the Indian appropriation bill, as follows:

"The school dining room is now in the basement of the main building, an old structure, dark and insanitary. The school kitchen is in the same basement. This department should be taken out of the old basement and placed in a suitable building. Twelve thousand seven hundred dollars will provide an adequate building."

"Your attention is invited to the fact that a new dormitory was erected at this school during the past year, and the capacity of the school has been doubled, increasing the attendance from 65 or 70 to between 130 and 140. I personally visited this school during the month of October and know that this new dining room is very much needed."

I would like to have the letter of HASTINGS put in the record there.

The CHAIRMAN. It will be inserted, without objection.

(The letter is here printed in full, as follows:)

HOUSE OF REPRESENTATIVES,  
Washington, D. C., December 27, 1916.

Hon. R. L. OWEN,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR OWEN: I am inclosing herewith an amendment to be proposed to the Indian appropriation bill, now under consideration by the Senate Indian Committee, for a new dining room and kitchen and employees' quarters, \$12,700, to be added after \$6,000 and semi-colon on page 34.

This item was estimated for by the Department of the Interior, and the justification for it will be found on page 242 of hearings before a subcommittee of the Committee on Indian Affairs, considering the Indian appropriation bill, as follows:

"The school dining room is now in the basement of the main building, an old structure, dark and insanitary. The school kitchen is in the same basement. This department should be taken out of the old basement and placed in a suitable building; \$12,700 will provide an adequate building."

Your attention is invited to the fact that a new dormitory was erected at this school during the past year and the capacity of the school has been doubled, increasing the attendance from 65 to 70 to between 130 and 140. The justification on page 242 of the hearings refers to the increased attendance.

I personally visited this school during the month of October and know that this new dining room is very much needed.

In the event this amendment is adopted, the total in line 10, page 34, should be corrected, and \$53,200 inserted in lieu of \$40,500.

Sincerely, yours,

W. W. HASTINGS.

Mr. ASHURST. Mr. President, that is the letter an extract from which has been read.

Mr. SMITH of Georgia. Now, Mr. President, I desire to repeat my objection to this appropriation, and I call attention also to the next item, which ought to be stricken from this bill. It reads as follows:

The sum of \$275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma.

It ought not to be the province of the National Treasury to pay the expenses of educating these Indians.

Mr. ASHURST. Mr. President, if the Senator will pardon me right there, I wish to say that that is a very important item. The reason for it grows out of the fact that the State is unable to tax the Indian property for the support of these schools. That item ought not to be stricken out, but ought to remain in the bill, in my judgment.

Mr. SMITH of Georgia. Well, upon what ground ought the National Government to pay for the education of the children of those rich Indians?

Mr. ASHURST. Rich they may be; but the State can not get any taxes from their land, because it is not able to tax their land, and so the State can not get any money to make any improvements.

Mr. CLAPP. Mr. President, this is not an Indian school; it is part of the common-school system of the State of Oklahoma. These lands being there, and not being taxable, it has been the policy of the Congress from the time that Oklahoma was admitted into the Union, as it was the policy of Congress before the time of the admission of Oklahoma, in view of the vast amount of land that could not be taxed, to make an annual contribution to the common schools of the State.

Mr. SMITH of Georgia. Mr. President, we have made the greatest contribution to the public schools of Oklahoma that has ever been made to the schools of any State in the Union. We gave to the State of Oklahoma every twenty-first section of land, as I recall, at the time the strip was opened, to be devoted to educational purposes. Practically one-twentieth of the entire land of Oklahoma was given to the State for educational purposes when the strip was opened. Just exactly upon what ground these lands can not be taxed I do not understand.

Mr. CLAPP. They are Indian lands, if the Senator please.

Mr. SMITH of Georgia. That is all right.

Mr. CLAPP. Under the very laws under which the lands were granted to the Indians there are restrictions against alienation and taxation; and there is a vast amount of them.

I do not want to say that perhaps the Government should do all that we are doing for Oklahoma, but I am pointing out to the Senator that these are not Indian schools. The appropri-



tion there is based upon a principle which Congress adopted when Oklahoma was admitted. In view of the lands that were segregated and not subject to taxation, Congress made certain provision in aid of the common schools of the State.

Mr. SMITH of Georgia. Ought we to keep it up forever?

Mr. CLAPP. That is for Congress to say.

Mr. SMITH of Georgia. I presume so.

Mr. CURTIS and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER (Mr. SHEPPARD in the Chair). Does the Senator from Georgia yield; and if so, to whom?

Mr. SMITH of Georgia. To anyone.

Mr. CURTIS. I want to state for the information of the Senator that when Oklahoma was admitted as a State, because of the fact that the Government had no public land in the eastern part, being the old Indian Territory, which could be given to the State for school purposes, the Government gave to the State of Oklahoma \$5,000,000 in cash "for the use and benefit of the common schools of said State in lieu of sections 16 and 36, and other lands of the Indian Territory," which went into the treasury of the State. The members of the committee thought it best to make provision out of the general funds to assist the common schools of Oklahoma, so that the \$5,000,000 would not be drawn upon, but might be invested, and in the course of a few years the State would be in better shape to take care of its public schools than it was at that time. About all, or nearly all, of the Indian lands were then nontaxable.

The restrictions could be removed, and, of course, as soon as they were removed and the lands sold they were taxable. Afterwards, however, Congress removed the restrictions on about 70 per cent of the property in Oklahoma—that is, the old Indian Territory part—and so what the Senator from Georgia says is true; they had a large amount of money for their school purposes. The only question is—and this point has been raised before the committee; I suppose the chairman has forgotten it—whether or not the condition is such that the Government is still justified in helping the public schools of the old Indian Territory part of Oklahoma. They have had the \$5,000,000. It is invested. Since that was done the restrictions have been removed on 70 per cent of the property, and much land has been sold, and is now subject to taxation. The Oklahoma Senator who is a member of the committee [Mr. OWEN] insisted, and made a very strong showing, that because of the conditions that part of Oklahoma was entitled to some assistance in paying the expenses of the common schools. The item was put in by the House, and left in by the Senate committee.

I want to say, as one Senator, that I have thought for a number of years—anyhow, since the restrictions were removed—in view of the fact that the State had received this \$5,000,000, that this appropriation should be done away with. I have thought that.

Mr. SMITH of Georgia. Mr. President, can the Senator tell me just what proportion of the land it was that was given to the State for educational purposes? Was it not every twenty-first section, or every twentieth section?

Mr. CURTIS. Sections 16 and 36 in every township in Oklahoma Territory, and all indemnity lands theretofore selected in lieu thereof, were granted to the State for the use and benefit of the common schools.

Mr. CLAPP. That only applied, however, to one portion of the State.

Mr. CURTIS. That applied to the western part of Oklahoma.

Mr. CLAPP. The eastern portion was held by Indian title.

Mr. SMITH of Georgia. Oh, well, I understand that; but 75 per cent of it is subject to taxation. The Eastern States have had no land given to them for educational purposes by the Government.

Mr. CLAPP. I am not discussing that. I am only discussing the facts with reference to Oklahoma. We did not give them the two sections, 16 and 36, as we did in other States, because there was a large portion of the State which had no public lands. Now, whether, in view of what we gave them—

Mr. SMITH of Georgia. We gave them \$5,000,000.

Mr. CLAPP. That is nothing compared to what some of the States have had; but that is immaterial, perhaps. The fact is that some of these lands have become taxable since Oklahoma was admitted. Whether we should continue this aid or not, I am not discussing; but the Senator started on the assumption that we were giving it to the Indians, and I simply wanted—

Mr. SMITH of Georgia. No; the Senator misunderstood me. I meant we were giving it to Oklahoma for the Indians.

Mr. CLAPP. Well, we are not doing that. We are giving it to the white people.

Mr. SMITH of Georgia. That is worse and worse.

Mr. CLAPP. It may be worse, but I want the facts before the Senate; that is all.

Mr. SMITH of Georgia. I thank the Senator for strengthening the view I was presenting.

Mr. SMOOT. Mr. President, the State of Arizona, for instance, has over 50 per cent of all its public area withdrawn. The State can not impose on that part of its area a dollar of taxes for the maintenance of the State institutions. Arizona is not asking in this bill that the Government of the United States appropriate \$275,000 to help pay for educating the white people of Arizona. The State of Utah is not asking anything of the kind.

Mr. SMITH of Georgia. They have not given you \$5,000,000 to start with, either.

Mr. SMOOT. No; they did not give us \$5,000,000 to start with. It seems to me that it is a very, very unfair proposition.

Mr. SMITH of Georgia. I not only think the Senate ought to sustain my objection to an increased fund for this school—if it needs an increased fund the National Treasury is not the place from which to get it—but I shall ask later on, when amendments can be offered from the floor, to strike out this appropriation of \$275,000 for the schools of Oklahoma.

Mr. FALL. Mr. President, before the Senator takes his seat, it is possible that I may be able to enlighten him a little bit further on this proposition.

I have voted for this appropriation at every session. Under what is known as the Atoka agreement, when they agreed that the Government of the United States might allot in severalty, when they agreed to the allotment proposition as distinguished from holding their lands in common and surrendered their tribal relations under the agreement with the United States, it was at that time expressly provided that none of these lands, although allotted, should be taxed for 25 years. Upon the creation of the State of Oklahoma school sections 16 and 36 in each township within the Oklahoma strip, or that portion which had been public domain, were granted to the State of Oklahoma. In view of the fact that a very large area of the State was Indian Territory, belonging to the Five Civilized Tribes particularly, and that there were no public lands which could be given, and that there could not be any 5 per cent of the proceeds of the sale of public lands, such as all other States had had, in lieu of that a cash donation of \$5,000,000 was given to make up to the State of Oklahoma for the fact that not only would they not get their usual quota of school sections outright, but neither would they get 5 per cent of the proceeds of the sale of public lands, which all other States have had for the support for all time of their public schools—that is, so long as the public lands brought in any money. It was in pursuance of that, or along that line, that this appropriation was first made.

The State of Oklahoma immediately undertook to tax these lands, irrespective of the agreement between the Indians and the United States by which they had come into the Union. The Indians were compelled to go to law, hire attorneys, get together—they had surrendered their tribal relations; they could not raise any funds through their tribal relations, as they had been able to do theretofore, to protect themselves against the State of Oklahoma—so that, as private individuals, they were compelled to make up a sum of money to carry this case through the courts, attacking the tax laws of the State of Oklahoma passed in violation of their treaty. They were compelled to carry the case through all the courts and to bring it finally to the Supreme Court of the United States, where it reached a decision, in the case of Choate against Trapp, in favor of the Indians, the Supreme Court upholding the Atoka agreement.

The consequence is that for the 25 years' term, the period of the agreement itself, those lands are untaxable. I have forgotten just exactly when that term expired; but it has been rather an anomalous position that the Government of the United States has been in, that it should be compelled to tax its people generally to raise funds for the support of the public schools in one-half of one certain State of the Union. But the justice of it, to begin with, is beyond any question, up to a reasonable amount. When it is going to stop is for the Congress of the United States to say.

Mr. SMITH of Georgia. Mr. President, I hope the Congress will agree that the time has come to stop it now, and that we will strike out this provision upon motion when the opportunity is given for offering amendments from the floor.

Mr. HARDWICK. Mr. President, I wish to ask the Senator in charge of the bill how much longer he wishes to go on with the bill to-night?

Mr. ASHURST. I think we may lay aside the bill at this time.

Mr. HARDWICK. The reason why I ask the question is that I desire to have a short executive session, but I did not want to move it unless that was agreeable to the Senator from Arizona.

Mr. ASHURST. I ask unanimous consent that the bill may be laid aside at this time.



The PRESIDING OFFICER. Without objection, the bill will be temporarily laid aside.

#### WATER-POWER DEVELOPMENT.

Mr. WALSH. I ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. WALSH. I now ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

#### EXECUTIVE SESSION.

Mr. HARDWICK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 30, 1917, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate January 29, 1917.*

##### UNITED STATES DISTRICT JUDGES.

Joseph B. Poindexter, of Helena, Mont., to be United States district judge for the district of Hawaii, vice Charles F. Clemons, resigned.

Colin Neblett, of Silver City, N. Mex., to be United States district judge for the district of New Mexico, vice William H. Pope, deceased.

##### PROVISIONAL APPOINTMENT IN THE ARMY.

##### INFANTRY ARM.

Second Lieut. Stuart Randall Carswell, First Infantry, Delaware National Guard, to be second lieutenant of Infantry with rank from date of appointment.

##### PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Frank B. Freyer to be a lieutenant commander in the Navy, from the 13th day of August, 1916.

The following-named lieutenants to be lieutenant commanders in the Navy from the 29th day of August, 1916:

Andrew C. Pickens,  
Prentiss P. Bassett, and  
Allen B. Reed.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August, 1916:

George C. Logan,  
Elmo H. Williams,  
John F. Cox,  
William F. Gresham, and  
Ralph G. Walling.

Ensign Maxwell Case to be a lieutenant (junior grade) in the Navy, from the 30th day of July, 1916.

Harold W. Wellington, a citizen of New Jersey, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 17th day of January, 1917.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 29, 1917.*

##### UNITED STATES ATTORNEY.

Albert C. Wolfe to be United States attorney for the western district of Wisconsin.

##### APPRAISER OF MERCHANDISE.

Robert H. Chaney to be appraiser of merchandise in customs collection district No. 38.

##### POSTMASTERS.

##### ILLINOIS.

Myrta J. Caldwell, Arrowsmith,  
John Cahill, Cherry,  
Edward H. Dudenhofer, Harvel,  
Richard J. Simmons, Macomb,  
Charles W. Witt, Sidney.

##### NEW JERSEY.

Joseph P. Quin, Hillsdale.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 29, 1917.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We approach Thee, Almighty God, our Heavenly Father, at the beginning of this, a new congressional week, in the sacred attitude of prayer; that our faith in the eternal verities may be strengthened; that our hopes may be made brighter; that our laudable aspirations may be eminently fulfilled in all that we undertake; that Thy will may be done in us; and Thine be the praise through Him who said, "Nevertheless, not my will but Thine be done." Amen.

The Journal of the proceedings of Saturday, January 27, was read and approved.

The Journal of the proceedings of yesterday was read and approved.

#### LEAVE OF ABSENCE.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to ask unanimous consent that my colleague [Mr. HUMPHREY of Washington] be excused from attendance for four days on account of illness.

The SPEAKER. The gentleman from Washington asks unanimous consent that his colleague [Mr. HUMPHREY of Washington] be excused from attendance for four days on account of illness. Is there objection?

There was no objection.

#### ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 193. An act to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States.

#### ORDER OF BUSINESS.

Mr. KEATING. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. KEATING. I move to discharge the Committee on Reform in the Civil Service from further consideration of House resolution No. 458.

Mr. SHERLEY. Mr. Speaker, I make a preferential motion.

#### THE REVENUE.

Mr. KITCHIN. Mr. Speaker, will the gentleman withhold that? I desire to present a privileged report from the Committee on Ways and Means.

The SPEAKER. Both gentlemen will withhold their motions.

Mr. KITCHIN. Mr. Speaker, I am authorized by the Committee on Ways and Means to present a report (No. 1366) to accompany the bill H. R. 20573.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20573) to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy and the extensions of fortifications, and for other purposes.

The SPEAKER. The bill is referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. DYER. Will the gentleman allow me to ask him a question?

Mr. MANN. In connection with this matter, may I ask what is the purpose of the gentleman from North Carolina in reference to the revenue bill?

Mr. KITCHIN. I will say to the gentleman that we hope to take it up to-morrow morning after the reading of the Journal and have general debate well running into the next day, if we can dispense with Calendar Wednesday, until about 3 o'clock, and then we will begin the reading of it under the five-minute rule, with the hope of voting on it Wednesday afternoon.

Mr. MANN. Does the gentleman expect to keep the House in session Wednesday evening in order to pass the bill?

Mr. KITCHIN. I do not hope to do it, but if it runs so late as to interfere with the Press Club banquet, we will go over until the next day.

Mr. FITZGERALD. How about those who are not going to that banquet?

Mr. MANN. I have a dinner engagement, but it is not at the Press Club.